

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

BRYCER LLC, BRYCER MANAGEMENT,)	
INC.,)	
Petitioners,)	
v.)	Case No.
)	IPR2023-01196
TEGRIS, INC.,)	Patent No.
)	11,126,966
Patent Owner.)	
)	

DEPOSITION OF MICHAEL A. MILLER

June 12, 2024

9:16 a.m. Pacific Time

Reported by: Lori J. Goodin, RPR, CRR, RSA,
California CSR #13959

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1 WEDNESDAY, JUNE 12, 2024, 9:16 a.m.

2 PROCEEDINGS

3

4 MR. COLSHER: Good morning. This is

5 Patrick Colsher with Reichman Jorgensen

6 Lehman and Feldberg for the petitioners.

7 MR. LEHRER: Good morning. This is

8 Richard Lehrer with FisherBroyles

9 representing the patent owner and the

10 witness.

11 * * *

12

13 MICHAEL A. MILLER,

14 a witness called for examination, having been

15 first duly sworn, testified as follows:

16 * * *

17

18 EXAMINATION

19 BY MR. COLSHER:

20 Q. Mr. Miller, could you state your

21 full name for the record.

22 A. Michael Arthur Miller.

1 Q. And what city and state are you
2 currently located in today?

3 A. I am in Pasco, Washington.

4 Q. And --

5 A. P-A-S-C-O.

6 Q. And what city and state do you
7 reside?

8 A. Pasco, Washington.

9 Q. Mr. Miller, do you understand that
10 you are here today to provide deposition
11 testimony in connection with a declaration you
12 submitted on behalf of the patent owner Tegriss in
13 what is referred to as a inter partes review
14 proceeding involving Brycer and Tegriss and
15 Tegriss' U.S. Patent Number 11,126,966; is that
16 correct?

17 A. Yes.

18 Q. Okay. And just for shorthand, is it
19 okay if I refer to that patent as the '966
20 patent?

21 A. Yes.

22 Q. And you will understand what I mean

1 when I say the '966 patent?

2 A. Yes.

3 Q. Is there any reason that would
4 impair your ability to give your best and
5 truthful testimony today?

6 A. No.

7 Q. Okay. Are you on any medications
8 that would impact your ability to provide your
9 best and truthful testimony today?

10 A. No.

11 Q. And other than the four exhibits
12 that were printed for you, do you have any other
13 materials sitting in front of you?

14 A. No.

15 Q. And other than this Zoom deposition
16 window that we have open, do you have any other
17 programs open on your computer?

18 A. No.

19 Q. Mr. Miller, have you ever been
20 deposed before?

21 A. Actually, I don't think so. I was
22 thinking back on a question that came up earlier

1 with something else. And, I think it is more
2 with witness type situations.

3 So, the answer is no.

4 Q. Okay. Let me just run over some
5 ground rules just so we are on the same page, and
6 we can try to do this in a clean and efficient
7 manner.

8 One thing that is important is that
9 all of your answers are spoken. The court
10 reporter can't take down head nods or thumbs up
11 or anything else like that.

12 Is that okay?

13 A. Yes.

14 Q. It is also --

15 A. Yes.

16 Q. Okay, great, great. It is also
17 important that we try not to speak over each
18 other so that the court reporter can write down
19 everything.

20 I know that is hard in a remote
21 setting.

22 A. Right.

1 Q. Particularly with some lag.

2 But I will do my best to let you
3 finish your answer and we can go from there. Is
4 that okay?

5 A. Yes.

6 Q. All right. And I will try to take a
7 break every hour or so. But, if you ever need to
8 take a break, that is totally okay. Stretch your
9 legs, whatever reason.

10 The only thing I would ask is, if I
11 have asked a question, we answer the question and
12 then we can go off the record. Does that make
13 sense?

14 A. Good, okay.

15 Q. And, your attorney might issue some
16 objections to my questions.

17 Unless your attorney instructs you
18 not to answer and you take that advice, even if
19 he puts an objection on the record, you still
20 have to answer my question.

21 Does that make sense?

22 A. Okay.

1 Q. And, last one. If you don't
2 understand a question and you want clarification,
3 please do ask, and I will do my best to clarify.

4 If you don't ask for clarification,
5 I will assume that you have understood my
6 question.

7 Does that make sense?

8 A. Yes.

9 Q. Okay. Great.

10 Mr. Miller, what did you do to
11 prepare for your deposition today?

12 A. I looked at, previous to my
13 declaration, I had looked at some of the
14 information that was presented.

15 And then I had a conversation
16 yesterday with Richard for a couple of hours.

17 Q. Other than your conversation
18 yesterday with your attorney, did you speak to
19 anyone else in preparation for your deposition?

20 A. No.

21 Q. When we spoke with your attorney,
22 was that in-person or remote?

1 A. Remote.

2 Q. And do you recall approximately how
3 long that couple of hours was?

4 A. About two and a half hours.

5 Q. Did you take any notes during your
6 preparation?

7 A. No.

8 Q. Did you review any documents in
9 preparation for this deposition today?

10 A. The, my declaration.

11 Q. And the declaration that you are
12 referring to is, has been marked as Exhibit 2017,
13 I believe it is one of the printouts you have.
14 Is that correct?

15 A. The second one, yes.

16 Q. All right. When did you first learn
17 of the inter partes review that is the subject of
18 your declaration in this deposition?

19 A. Three or four months ago. I guess,
20 just a couple of weeks before the declaration
21 that was signed on April 15th.

22 Q. And how did you learn about this

1 inter partes review proceeding?

2 MR. LEHRER: Objection, form. You
3 can answer. That was just an objection for
4 the record.

5 THE WITNESS: Got you. Jim Ribail
6 who is vice president of Tegriss was letting
7 me know out of the argument and I said let me
8 know if I help you; if I can help you, great.

9 BY MR. COLSHER:

10 Q. And how did Mr. Ribail contact you
11 to inform you about the inter partes review?

12 MR. LEHRER: Objection, form.

13 THE WITNESS: How did he?

14 BY MR. COLSHER:

15 Q. Yes, yes. How did Mr. Ribail
16 contact you to inform you about the inter partes
17 review proceeding?

18 A. By phone.

19 Q. And other than your communication
20 with Mr. Ribail by phone, did you have any
21 written communications with Mr. Ribail concerning
22 this inter partes review proceeding?

1 MR. LEHRER: Objection, form.

2 THE WITNESS: I guess the answer

3 would be no.

4 BY MR. COLSHER:

5 Q. Did you take any notes during your
6 conversations with Mr. Ribail?

7 A. No.

8 Q. Are you aware that Tegriss filed a
9 patent infringement lawsuit in District Court
10 alleging that Brycer infringes the '966 patent?

11 A. I am aware now, as in the last three
12 months.

13 Q. And how did you become aware of the
14 lawsuit?

15 MR. LEHRER: Objection, form.

16 THE WITNESS: Through the initial
17 phone call and then follow-up.

18 BY MR. COLSHER:

19 Q. And what is the follow-up that you
20 are referring to?

21 MR. LEHRER: Objection, form.

22 THE WITNESS: So, phone call first

1 and the follow-up is just a second
2 conversation with an attorney.

3 BY MR. COLSHER:

4 Q. And other than the phone call with
5 Mr. Ribail and the follow-up with the attorney,
6 did you have any other communications concerning
7 the lawsuit that Tegriss brought against Brycer
8 involving the '966 patent?

9 MR. LEHRER: Objection, form.

10 THE WITNESS: I'm going to say no.

11 BY MR. COLSHER:

12 Q. Have you studied the '966 patent?

13 A. No.

14 Q. Do you recall when you first learned
15 of the '966 patent?

16 A. In the last three or four months.

17 Q. And that was around the same time
18 that Mr. Ribail contacted you in connection with
19 the inter partes review?

20 MR. LEHRER: Objection, form.

21 THE WITNESS: Yes. I'm sorry, yes.

22 BY MR. COLSHER:

1 Q. Have you ever discussed the '966
2 patent with anyone?

3 A. No.

4 Q. Mr. Miller, one of the documents
5 that was printed this morning was Exhibit 2017
6 which is entitled the Declaration of Michael A.
7 Miller.

8 Do you have that document in front
9 of you?

10 (Previously marked Exhibit 2017,
11 first referral.)

12 THE WITNESS: Yes.

13 BY MR. COLSHER:

14 Q. Are you familiar with Exhibit 2017?

15 A. Yes.

16 Q. What is this exhibit?

17 A. It is a declaration that I signed.

18 Q. Did you write your declaration?

19 A. No.

20 Q. Who wrote your declaration?

21 A. It was a collaboration with the,
22 between the attorney and what I agreed and could

1 agree with and what I could not agree with.

2 Q. Were there drafts prepared of your
3 declaration?

4 A. Yes.

5 Q. Do you still have those drafts?

6 A. Yes, I think I do. It would be one.

7 Q. And just a minute ago you testified
8 that the declaration was a collaboration between
9 the attorney and what you agreed with and could
10 agree with and what you could not agree with.

11 A. Correct.

12 MR. LEHRER: Objection, form.

13 BY MR. COLSHER:

14 Q. Do you recall what you could not
15 agree with?

16 A. To my ability to ascertain what was,
17 what my expertise was and how we wanted things
18 that was important, there was my hands-on
19 supervision. I know the programs. Do I do the
20 work.

21 I'm at -- I am the president of the
22 company and I have schedulers that are doing all

1 of the work, okay.

2 So, do I, that was an issue that I
3 had was, I do not do that work.

4 So, I had to make sure that it was
5 in conjunction with my personnel doing the
6 reports and whatnot.

7 Q. Okay. And I'm just going to break
8 this down just so I make sure I understand what
9 you are saying.

10 When I referred to the programs,
11 what programs were you referring to?

12 A. That would be Tegriss.

13 Q. Any other programs?

14 A. I know that we also worked with
15 cities that also have Compliance Depot, or
16 Brycer.

17 Q. And when you refer to doing the
18 work -- strike that.

19 When you referred to hands-on
20 supervision, what were you referring to?

21 A. So, I'm the president of the
22 company. I have a manager and then she manages

1 the people that do 95 percent of the back and
2 forth reporting and whatnot.

3 And then down below that would be
4 the person who does the inspections that has to
5 fill out the paperwork.

6 And then push that on up through,
7 for the process to get back to Tegriss in this
8 case.

9 Q. And, who is the manager that you
10 referred to?

11 MR. LEHRER: Objection, form.

12 THE WITNESS: Her name is Stephanie
13 Bennett.

14 BY MR. COLSHER:

15 Q. And she works for?

16 A. Double N, double T.

17 Q. And Ms. Bennett works for Moon
18 Security; is that correct?

19 A. Moon Security, yes.

20 MR. LEHRER: Objection to form.

21 BY MR. COLSHER:

22 Q. Could we just take, do you have

1 Exhibit 2017 in front of you?

2 A. I do.

3 Q. Okay. Could we take a look at
4 Paragraph 27 which is on Page 10. And it
5 continues on to Page 11.

6 A. Okay.

7 Q. Is this an accurate statement
8 concerning your knowledge and experience relative
9 to Tegriss's Fire Hydrant Management System and
10 Brycer's competing offer?

11 A. So, just Number 27?

12 Q. Yes, let's just look at
13 Paragraph 27.

14 A. I would say yes.

15 Q. And is this one of the statements
16 that you modified to reflect your work relative
17 to the Tegriss Fire Hydrant Management System and
18 Bryce's competing offer?

19 MR. LEHRER: Objection to form.

20 THE WITNESS: I wanted to make sure
21 that I acknowledged that I am not a hands on.
22 And so I have people that work below me that

1 do that work.

2 So, I'm not the one inputting.

3 BY MR. COLSHER:

4 Q. In preparation for your deposition,
5 did you speak with anyone at your company that
6 did the hands-on work relative to these products?

7 MR. LEHRER: Objection, asked and
8 answered.

9 THE WITNESS: No. Sorry.

10 BY MR. COLSHER:

11 Q. In preparation for your declaration,
12 did you speak with anyone at your company that
13 did the hands-on work relative to these products?

14 A. No.

15 Q. Mr. Miller, did you complete any
16 college education?

17 A. Yes.

18 Q. And what college education did you
19 complete?

20 MR. LEHRER: Objection, form.

21 THE WITNESS: I have a Business
22 Administration degree from Northwest Nazarene

1 College, now called NNU University. 1975 to
2 1979.

3 BY MR. COLSHER:

4 Q. Other than this Business
5 Administration degree, did you complete any other
6 post high school education?

7 A. No.

8 Q. Are you currently employed?

9 A. I am the owner of Moon Security.

10 Q. And after you graduated from
11 college, did you attain any jobs?

12 MR. LEHRER: Objection, form.

13 THE WITNESS: The answer is yes.

14 BY MR. COLSHER:

15 Q. And what job did you attain?

16 MR. LEHRER: Objection, form.

17 THE WITNESS: Moon Security is a
18 family owned company that I have worked with
19 since I was 11 years of age. Went to high
20 school, college, and then ran up the food
21 chain before I ended up buying my sisters out
22 here three years ago.

1 BY MR. COLSHER:

2 Q. So, you have always worked at --

3 strike that.

4 You have always worked your own, at

5 Moon Security for the entirety of your

6 professional career?

7 MR. LEHRER: Objection.

8 THE WITNESS: Yes.

9 BY MR. COLSHER:

10 Q. Could you describe generally what

11 Moon Security does?

12 A. Moon Security is a full service
13 security company that provides installation of
14 and maintenance and monitoring of alarm systems
15 that include fire, security, video access control
16 in residential, commercial systems. With 95
17 employees, 90 to 95 employees, and servicing
18 eastern Washington, north Idaho, and northeast
19 Oregon.

20 Q. Mr. Miller, are you being
21 compensated for your time in this proceeding?

22 A. I am.

1 Q. And how are you being compensated?

2 MR. LEHRER: Objection, form.

3 THE WITNESS: \$150 an hour.

4 BY MR. COLSHER:

5 Q. Okay. Approximately how many hours
6 have you spent in connection with this inter
7 partes review proceeding?

8 A. Between the time today and whatever
9 yesterday and a few hours of others, then no more
10 than 16 hours, period.

11 Q. And, that is 16 hours includes the
12 work done related to your declaration and the
13 preparation for your deposition, plus the time so
14 far today; is that correct?

15 MR. LEHRER: Objection, form.

16 THE WITNESS: That would be correct.

17 BY MR. COLSHER:

18 Q. Have you ever programmed any
19 software?

20 A. No.

21 Q. Have you ever built a database?

22 A. No.

1 Q. Have you ever designed a database?

2 A. No.

3 Q. Have you ever designed a web
4 registry?

5 A. No.

6 Q. Have you ever reviewed any code for
7 the Tegriss system?

8 A. No.

9 Q. Have you reviewed any code to the
10 Brycer system?

11 A. No.

12 Q. Have you ever reviewed any databases
13 for the Tegriss system?

14 A. No.

15 Q. Have you ever reviewed any databases
16 for the Brycer system?

17 A. No.

18 Q. Have you ever reviewed any web based
19 registries for the Tegriss system?

20 A. No.

21 Q. Have you ever reviewed any web based
22 registries for the Brycer system?

1 A. No.

2 Q. When was the last time that you used
3 the Tegris system?

4 A. It is done daily. By the company.

5 Q. Let me ask a little different
6 question.

7 When was the last time that you
8 personally used the Tegris system?

9 A. I have not.

10 Q. You have never used the Tegris
11 system personally?

12 A. That is not my, that is under -- I
13 have people that do that.

14 Q. Have you ever personally used the
15 Brycer system?

16 A. No.

17 Q. Have you ever discussed the use of
18 the Brycer system with any of your employees at
19 Moon Security?

20 A. In what way are we -- I mean, our
21 employees use both.

22 So, there is, I don't think, other

1 than just the fact that they are working with a
2 particular city that uses the Brycer system
3 versus the Tegriss system.

4 Q. Have you ever discussed the
5 functionality of the Tegriss system with any of
6 your employees at Moon Security?

7 A. I probably say yes, as in what kind
8 of questions could be added or subtracted or, to
9 help make it a better report for the HJ or the
10 building owner.

11 Q. Other than asking all kind of
12 questions, have you ever discussed anything else
13 about the functionality of the Tegriss system with
14 any of your employees at Moon Security?

15 A. No.

16 Q. Have you ever discussed the
17 functionality of the Brycer system with any of
18 your employees at Moon Security?

19 A. No.

20 Q. Do you know if the Tegriss system has
21 a database?

22 A. I would say yes, that they do.

1 Q. How do you know that the Tegriss
2 system has a database?

3 A. Well, they have to have a database
4 for the owners, they have to have a database for
5 the HJs, authority having jurisdiction, and then
6 they would have to have a database for all of the
7 alarm companies or other life safety companies
8 that provide the services that they charge us
9 for.

10 Q. When you are referring to a
11 database, what is your understanding of a
12 database?

13 A. Well, you have already seen what my
14 skill sets are on the computer side.

15 But basically it is a place where
16 information resides, so then the software can
17 reach in and say okay I want to talk to the
18 owners, or I want to talk to the HJs, or I want
19 to talk to both or all three.

20 And it is able to say hi, how are
21 you, and this is what I need. That is my
22 layman's term for non-computerized talking.

1 Q. Let's take a look at Exhibit 1001
2 which is the '966 patent.

3 Do you have a copy of that,
4 Mr. Miller?

5 A. 1001?
6 (Previously marked Exhibit 1001,
7 first referral.)

8 BY MR. COLSHER:

9 Q. 1001, yes.

10 A. Okay. I have it in front of me.

11 Q. Are you familiar with this document,
12 Mr. Miller?

13 A. Not really.

14 Q. Did you review this document in
15 preparation for your deposition today?

16 A. Just a few weeks before the
17 declaration, I know that we have talked about it.

18 But when I am looking at it right
19 now just going through it, yeah, this would be
20 way over my head.

21 Q. When you refer to "we" talked about
22 it, who is the "we" that you are referring to?

1 A. That would be as we are looking, the
2 attorney.

3 MR. LEHRER: I'm going to caution
4 the witness not to divulge any communications
5 between the witness and the attorneys.

6 BY MR. COLSHER:

7 Q. Are you familiar with what a patent
8 claim is, Mr. Miller?

9 A. And again, not really. I understand
10 that there is patents for different kinds of
11 softwares or inventions and all.

12 But how it gets from Point A to
13 Point B, no.

14 Q. But, if we go to the last page of
15 Exhibit 1001, the '966 patent and it is labeled
16 Page 34 in the very lower right-hand corner, let
17 me know when you are there.

18 A. Okay. On the last page. 34 of 34?

19 Q. Yes. Do you see where there is a
20 Number 15 referring to the Column 15 on the
21 left-hand side of Page 34 of Exhibit 1001?

22 A. Upper left-hand corner, yes.

1 Q. Okay. And if you scroll down on
2 that page or look down, on a hard copy, you see
3 the number eight.

4 It is about Line Number 16.

5 A. Okay.

6 Q. And it begins, "A computer
7 implemented method for using a fire hydrant
8 management software system."

9 Do you see that?

10 A. Yes.

11 Q. Do you have an understanding of what
12 Claim 8 claims?

13 A. Somewhat.

14 Q. And what is your understanding of
15 what Claim 8 claims?

16 A. That the fire hydrant management
17 software that is being used, and that Tegriss is
18 an example of that kind of software.

19 Q. Do you have an understanding of what
20 claim makes -- strike that.

21 Do you have an understanding of what
22 makes Claim 8 novel?

1 A. Probably not.

2 Q. So you do not have an understanding
3 of what would make Claim 8 novel?

4 A. Sorry, no.

5 Q. Do you know what prior art refers to
6 in the context of patents?

7 A. No.

8 Q. Did you examine any other systems or
9 documents that predate the '966 patent in
10 reaching conclusions in your declaration?

11 A. No.

12 Q. Other than Tegriss and Brycer, does
13 Moon Security use any other asset management
14 software?

15 A. Not that I'm aware of.

16 Q. Did you offer any constructions of
17 the terms in Claim 8 of the '966 patent in
18 preparing your declaration?

19 A. Sorry, offer construction of what?

20 Q. Did you attempt to understand the
21 meaning of any of the claim terms in Claim 8 of
22 the '966 patent in preparing your declaration?

1 A. No.

2 Q. Did you prepare any claim charts in
3 connection with your declaration offered in this
4 proceeding?

5 A. No.

6 Q. Did you review any claim charts in
7 connection with the declaration that you are
8 offering in this proceeding?

9 A. No.

10 Q. If we turn back to your
11 Exhibit 2017?

12 A. Yes, sir.

13 Q. Is there any portion of Exhibit 2017
14 that you wrote?

15 A. Parts of it.

16 Q. Which parts did you write?

17 A. I do not have the, where I made
18 changes.

19 Q. So, you received a complete draft
20 from your counsel --

21 A. I received -- sorry. I received a
22 draft and then made corrections.

1 Q. Do you recall --

2 A. And then --

3 Q. Sorry.

4 A. Sorry. Rephrase again.

5 Q. Do you recall any of the corrections
6 that you made to your Exhibit 2017?

7 A. No. And I would, I guess I want to
8 go back.

9 Other than the one that we just
10 already talked about with the personnel being
11 involved with the, on the previous statements
12 here about 15 minutes ago.

13 Q. Would it surprise you if portions of
14 your declaration were copy and paste from other
15 declarations that were submitted in this
16 proceeding?

17 A. I would be surprised about that. I
18 don't believe that happened.

19 Q. Let's take a look at Paragraph
20 Number 22 of your Exhibit 2017 which is on Page 7
21 of the document.

22 Can you let me know when you are

1 there?

2 A. Okay. 22 and then Page 7?

3 Q. Yes. It is Paragraph 22 on Page 7.

4 A. Okay.

5 Q. And the first sentence of

6 Paragraph 22 reads, "I understand Tegriss contends

7 a POSA," which is person of ordinary skill in the

8 art, "in the relevant time period for the '966

9 patent would have had knowledge of and experience

10 in the inspection, and maintenance of fire

11 hydrants or at least similar emergency or life

12 safety assets and software available for use in

13 connection therewith in 2007."

14 Do you see that?

15 A. Yes.

16 Q. In 2007, did you have any experience

17 with the software available for use in connection

18 with the inspection and maintenance of fire

19 hydrants or at least similar emergency or life

20 safety assets?

21 A. Not counting Tegriss?

22 Q. Including Tegriss or anything else?

1 A. There was none that I am aware of,
2 let's put it that way. There was none.

3 Q. So, in 2007 you did not have any
4 experience with software for the inspection and
5 maintenance of fire hydrant or similar emergency
6 or life safety assets; is that correct?

7 A. Correct.

8 Q. Do you have an understanding of
9 similar emergency or life saving assets, what
10 that means?

11 A. I would say yes.

12 Q. And what is your understanding of
13 what similar emergency or life saving assets,
14 safety assets means?

15 MR. LEHRER: Objection, form.

16 THE WITNESS: So, as an example, we
17 have fire systems that we install, have to be
18 signed off on, occupancy, all of that.

19 You have, obviously, the fire
20 hydrant with the post indicator valves and
21 the sprinkler systems.

22 You have fire suppression. And

1 there is a multiple list of others that fall
2 under the life safety aspect of the software.

3 BY MR. COLSHER:

4 Q. And what would be the others that
5 fall within the scope of the life safety aspect?

6 MR. LEHRER: Objection, form.

7 THE WITNESS: There is probably a
8 couple dozen at least. I do not have them
9 memorized for you.

10 BY MR. COLSHER:

11 Q. Would an electrical system qualify
12 as a life safety system?

13 A. Yes.

14 Q. What makes an electrical system a
15 life safety system?

16 A. Two different things that come to
17 mind is one is just providing power to hospitals,
18 then you have to have the backup generators
19 providing backup power for hospitals, that
20 require it.

21 We have to have backup and power
22 generators for our UL listed central station,

1 that is just a quick example.

2 Q. So is a life safety system -- strike
3 that.

4 Does the use of the asset determine
5 whether it is a life safety system?

6 A. I think it still gets categorized as
7 a life safety system. It may be a different use.
8 But that doesn't eliminate the fact that it is
9 life safety.

10 Q. Would a plumbing system qualify as a
11 life safety system?

12 A. It can.

13 Q. And what would make a plumbing
14 system qualify as a life safety system?

15 A. Well, to be precise, plumbing/
16 pipefitters, put up the piping for sprinkler
17 systems, will automatically be life safety.

18 Q. What about a heating, venting, or
19 air conditioning system.

20 Would that qualify as a life safety
21 system?

22 A. It can. Back again to fire systems

1 that have to have -- we work with HVAC people so
2 then we have smoke detectors and dampers that get
3 shut down when a fire system is activated.

4 Then those devices have to be closed
5 or opened depending upon what the situation is to
6 prevent smoke to go into another area.

7 Q. Would a boiler qualify as a life
8 safety system?

9 A. My definition of boiler is that it
10 goes to providing power which then goes back
11 again to providing power to essential devices or
12 systems that need to be staying up as you go.

13 So, the answer is yes.

14 Q. Mr. Miller, have you ever designed
15 an asset management or compliance system?

16 A. I have.

17 Q. Can you describe that experience for
18 me?

19 A. Many, many years ago -- I have
20 people that do it now, and licensing has changed
21 for what those, who can and who can't.

22 But, basically you are providing

1 drawings and where devices will go so that they
2 meet the NFPA 72 code for location and
3 positioning of smoke detectors, heat detectors,
4 pull stations, duct detectors is one example,
5 doors locking and unlocking based upon if the
6 alarm is activated.

7 And that has grown even more so now
8 than many years ago.

9 Q. Was this a computer system?

10 A. No. We are talking fire system
11 design.

12 Q. So, the fire system design, is that
13 in the context of a building?

14 A. Yes, because that is where we
15 install fire systems is in the building.

16 Q. Let's take a look at Exhibit 1001
17 again and we will turn back to that last page,
18 Column 8. Excuse me, strike that --

19 The last page, Page 34, which is
20 Column 15. We are going to look at Claim 8.

21 A. Look at which?

22 Q. Claim 8 again.

1 A. Eight?

2 Q. Yes.

3 A. Okay.

4 Q. If you look at Column 15, it begins
5 at Line 33, those line numbers are down, sort of
6 the middle of the page.

7 There is a paragraph or subparagraph
8 that begins, "Based on the analysis, notifying an
9 owner of an asset of a notification event."

10 Do you see that, Mr. Miller?

11 A. Yes.

12 Q. Okay. And then it continues,
13 "wherein the notice it includes a standard format
14 description of the type of inspection."

15 Do you see that?

16 A. Yes.

17 Q. Do you have an understanding of what
18 a standard format description of a type of
19 inspection is in the context of Claim 8 of
20 the '966 patent?

21 A. Yes.

22 Q. And what is your understanding?

1 A. So, and I will just do it from our
2 company perspective. But we have, I don't know
3 how many thousands or hundreds of systems, I will
4 say hundreds, so as not to exaggerate, I guess.

5 But so, we do alarm system
6 inspections either on a monthly, quarterly,
7 semi-annual, annual basis.

8 We get notice from Tegriss as a
9 reminder that your inspection is coming up, and
10 then once it is, then that creates a work order.

11 And then, once that is done, then
12 it's then entered back into the system reporting
13 to Tegriss so that it is done.

14 Any deficiencies found, any
15 deficiencies that need to be corrected, and then
16 those, those reports, then by going through
17 Tegriss, then sends a report to the building owner
18 and the HJ authority having jurisdiction.

19 Q. If you look at the next clause which
20 has "and a cost associated with the type of
21 inspection."

22 Do you see that in Claim 8 beginning

1 at Line 35 of Column 15?

2 A. Okay. So, and it is based --

3 Q. Sorry, let me ask a question.

4 A. Okay, sorry.

5 Q. Do you have an understanding of what
6 the term "cost" means in Claim 8 of the '966
7 patent?

8 A. So, Tegriss, yes.

9 Q. And what is your understanding of
10 what the term "cost" means in the '966 patent?

11 MR. LEHRER: Objection, form.

12 THE WITNESS: Tegriss charges a fee
13 per type of system that could be included in
14 the fire suppression or, in our case, fire
15 and alarm systems or fire inspection as in
16 the sprinkler systems themselves, as
17 electrical contractor. Here in Washington we
18 are not allowed to do sprinkler system
19 testing, that has to be done by the sprinkler
20 system company, as one example.

21 So, sprinkler system company will
22 get their own notice versus Moon Security

1 will do it based upon the fire system.

2 BY MR. COLSHER:

3 Q. So, the term cost here is referring
4 to money; is that correct?

5 A. That would be true. Yes.

6 Q. If we go up to Line 24 of Column 15
7 of Claim 8 there is the Numbers 1, 2, and 3 where
8 one is an owner of an asset, two is an approval
9 authority, and three is an inspector. Do you see
10 that?

11 A. Yes.

12 Q. Is Moon Security any of these three
13 classes of users that are referenced in this
14 claim?

15 A. In this situation it would be
16 Number 3, the inspector.

17 Q. And as the inspector, you are the
18 one that receives the notifications concerning
19 the necessity of the inspection?

20 A. Yes.

21 MR. LEHRER: Objection to form.

22 BY MR. COLSHER:

1 Q. Does the owner of the asset receive
2 a notification for the inspection?

3 A. Yes, they do.

4 Q. Is that the same notification that
5 you receive?

6 A. It might be a different, it can be
7 different, actually.

8 One is a reminder to the building
9 owner in Number 1, where one is a reminder to us
10 in Number 3.

11 It may have similar verbiage, but it
12 is still, it is a different document.

13 Q. Are you familiar with the
14 notifications that go into the owners of the
15 asset in Tegriss's system?

16 A. No.

17 Q. Are you familiar with the
18 notifications that go to the owner of an asset in
19 Brycer's system?

20 A. No.

21 Q. Let's go down to the last clause in
22 Column 15, it begins at Line 49, the clause is

1 "Upon logging on to a password control website
2 control -- strike that.

3 "Upon logging on to a password
4 controlled website configured to provide access
5 to the fire hydrant management system," do you
6 see that clause?

7 A. I do.

8 Q. Okay. And the next clause is
9 "providing to an inspector the owner selects," do
10 you see that?

11 A. I do.

12 Q. And then it continues, "the
13 selection based upon a list of qualified
14 inspectors that are available to inspect the
15 asset based upon attributes considering proximity
16 to the asset." Do you see that?

17 A. I do.

18 Q. Are you familiar with the process
19 for how the owner selects an inspector, relative
20 to the Tegriss system?

21 A. I would say yes.

22 Q. And what is your understanding of

1 how the owner selects an inspector, relative to
2 the Tegriss system?

3 A. There is actually a couple of
4 different ways.

5 The first would be any time we
6 install a fire alarm system, then there is a
7 contract that is put in place, a service contract
8 that is put in place, an inspection is put in
9 place, and a monitoring contract is put in place.

10 And then, so that is the contract
11 between us and the owner, okay, or whoever is
12 representing the owner. It could be property
13 management company, that kind of thing, okay.

14 Then, at that point, that is how one
15 way is selected. I allude to a different, later
16 on in the declaration, talking about City of
17 Richland, where they found many different systems
18 that hadn't, when they first started the Tegriss
19 program, where they first started and found the
20 City of Richland did not realize how many systems
21 were not even being inspected or taken care of by
22 the City of Richland.

1 Hence the reason why they went with
2 the Tegriss program.

3 And when they did that, then they
4 found that there is a whole bunch of systems not
5 working or not being monitored or having
6 deficiencies.

7 And so, at that situation, then back
8 to the notice that we are talking about here, the
9 customer in this case or the building owner can
10 say here is the number of companies that can
11 provide you this service or the monitoring or
12 take care of the deficiencies.

13 So, that is it. That is another way
14 to do it.

15 Q. Move to strike, objection, not
16 responsive.

17 A. Did I miss something?

18 Q. We will move on.

19 Let's take a break.

20 Let's go off the record.

21 (Recess taken -- 10:09 a.m.)

22 (After recess -- 10:20 a.m.)

1 MR. COLSHER: Thank you, Mr. Miller.

2 I don't have any further questions.

3 MR. LEHRER: I have no questions.

4 (Whereupon, signature having been waived, the
5 deposition concluded at 10:20 a.m.)

6 * * *

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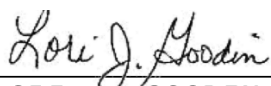
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22

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2 I, LORI J. GOODIN, RPR, CRR, RSA,
3 CA CSR # 13959, the reporter before whom the
4 foregoing deposition was taken, do hereby certify
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9 computer-aided transcription; that said
10 deposition is a true record of the testimony
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12 LORI J. GOODIN, RPR, CLR, CRR
13 Notary Public in and for:

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15 Notary Commission Number: GG987804

16 My Commission expires: May 12, 2028

17 STATE OF CALIFORNIA, CA CSR# 13959

18 My Commission expires: February 22, 2025

19 STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL

20 My Commission expires: August 2, 2025

21 DISTRICT OF COLUMBIA, WASHINGTON DC

22 My Commission expires: May 31, 2026

STATE OF DELAWARE: COUNTY OF KENT

My Commission expires: September 9, 2025

STATE OF PENNSYLVANIA, COUNTY OF LEHIGH

My Commission expires: April 5, 2025

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1 Michael S. Miller, c/o
2 FISHERBROYLES, LLP
3 3340 Peachtree Road Northeast, Suite 1800
4 Atlanta, Georgia 30326

5
6 Case: Brycer, LLC et al. v. Tegriss, Inc.
7 Date of deposition: June 12, 2024
8 Deponent: Michael S. Miller

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10 Please be advised that the transcript in the above
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10 and examined the foregoing pages
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9 Witness Name: Michael S. Miller

10 Deposition Date: June 12, 2024

11 Page No. Line No. Change
12
13
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16
17
18
19
20

21 _____
22 Signature Date

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