

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

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4 SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
5 Petitioner,

6 vs.

7 GREENTHREAD LLC,

8 Patent Owner.
9 -----

10 This Document Relates to:

11 CASE IPR2023-01242 US Patent No. 11,121,222

12 CASE IPR2023-01243 US Patent No. 10,510,842

13 CASE IPR2023-01244 US Patent No. 11,121,222
14 -----

15 REMOTE DEPOSITION OF PHILIP JOHN

16
17
18 Friday, August 2, 2024

19 12:31 p.m. (CDT)
20
21
22

23 Reported By:

24 Joan Ferrara, RMR, FCRR

25 Job No. 2024-951023

August 2, 2024

12:31 p.m. (CDT)

Deposition of PHILIP JOHN, held
remotely via Zoom, before Joan Ferrara,
a Registered Merit Reporter, Federal
Certified Realtime Reporter and Notary
Public.

1 REMOTE APPEARANCES:

2
3 ON BEHALF OF PETITIONER:

4 BAKER BOTTS L.L.P.

5 401 S 1st Street

6 Suite 1300

7 Austin, Texas 78704

8 BY: MARK SPEEGLE, ESQ.

9 ELLYAR BARAZESH, ESQ.

10
11
12 ON BEHALF OF GREENTHREAD AND THE WITNESS:

13 MCKOOL SMITH

14 1999 K Street, NW

15 Suite 600

16 Washington, DC 20006

17 BY: NICHOLAS T. MATICH, ESQ.

18
19
20 ALSO PRESENT:

21 KENNETH INOA, Document Technician

22 DANIEL ANDERSON, Newman Jones

1 PHILIP JOHN,

2 called as a witness, having been
3 duly sworn by a Notary Public, was
4 examined and testified as follows:

5 MR. SPEEGLE: All right. This
6 is Mark Speegle with Baker Botts.
7 With me from Baker Botts for
8 petitioner OnSemi is also Ellyar
9 Barazesh and we also have Dan Anderson
10 from Newman Jones with us also for
11 petitioner OnSemi.

12 MR. MATICH: This is Nick Matich
13 of McKool Smith for Greenthread and
14 the witness Mr. John.

15 I'll note that we sought to
16 video record this deposition, but
17 petitioner refused.

18 EXAMINATION BY

19 MR. SPEEGLE:

20 Q Mr. John, can you please state
21 your full name and address for the record?

22 A Full name is Philip, one L,
23 middle name William, last name John,
24 J-O-H-N, Jr. The address is 7424 Mason
25 Dells Drive, Dallas, Texas 75230.

1 Q Thank you, Mr. John.

2 Are you at the 7424 Mason Dells
3 Drive location today for your deposition?

4 A Yes.

5 Q Mr. John, you understand you're
6 giving deposition testimony in three Patent
7 Trademark and Appeal Board proceedings
8 which are IPRs between OnSemi and
9 Greenthread?

10 A Say that again? What was the
11 first --

12 Q You understand you're giving
13 testimony in a deposition for three PTAB
14 proceedings today, right?

15 A Yes.

16 Q And those proceedings are
17 IPR2023-01242, IPR2023-01243, and
18 IPR2023-01244, right?

19 A Correct.

20 Q Mr. John, am I right that you're
21 reading something there?

22 A I'm reading my declaration.

23 Q Okay. Do you have anything
24 besides your declaration in front of you
25 right there?

1 A No.

2 Q Mr. John, this deposition is
3 being taken by remote means, right?

4 A Yes.

5 Q And I understand your counsel is
6 there with you in the room, is that right?

7 A Beg your pardon?

8 Q Your counsel, your attorney is
9 in the room with you?

10 A Yes, right next to me.

11 Q Is there anyone else in the room
12 besides your counsel?

13 A No.

14 Q Will you please let me know if
15 anyone tries to communicate with you while
16 we're on the record for your deposition
17 today?

18 A Yes. You may have my wife walk
19 through the picture or one of my daughters.

20 Q Okay.

21 A But that's it.

22 Q Sounds good.

23 Mr. John, have you been deposed
24 before?

25 A Yes.

1 Q How many times?

2 A Three, maybe four.

3 Q And so you understand that
4 you're under oath just like you would be if
5 you were in a courtroom?

6 A Yes.

7 Q And is there any reason why you
8 cannot testify truthfully and fully today?

9 A Just my health issue may make me
10 forget things occasionally and I could just
11 fall asleep.

12 Q Will you let me know if your
13 health is interfering with this deposition
14 at any point?

15 A Yes.

16 Q Will you also let me know if you
17 do not understand any of my questions?

18 A Yes.

19 Q Now, Mr. John, you said you have
20 a copy of your declaration in front of you,
21 right?

22 A Yes.

23 Q If you look at the bottom
24 right-hand corner of your declaration, does
25 it have an exhibit number on it?

1 A Mine does not.

2 Q Okay.

3 MR. SPEEGLE: Nick, do you have
4 a marked copy of his declaration with
5 you?

6 MR. MATICH: I do. The version
7 he has is identical. It was -- he has
8 the version that he signed, but then
9 it was Bates stamped or exhibit number
10 marked after he signed it.

11 MR. SPEEGLE: Okay. Nick, if
12 you can confirm that what he has in
13 front of him is identical to the
14 Exhibit 2072 that you submitted in all
15 three of the IPRs, I think we're good
16 to go.

17 MR. MATICH: Yeah, let me
18 quadruple check, but I believe that's
19 the case.

20 Yes, the copy Mr. John has in
21 front of him is identical, except it
22 does not have the appendices.

23 MR. SPEEGLE: Okay.

24 MR. MATICH: And, of course,
25 obviously, the marking for the

1 Protective Order and the exhibit
2 numbers.

3 MR. SPEEGLE: Understood.

4 Q Mr. John, can you please tell me
5 what your current position is for
6 employment?

7 A President of Greenthread.

8 Q And how long have you been the
9 president of Greenthread?

10 A Since it was founded.

11 Q When was that?

12 A If I remember correctly, 2007.

13 Q Do you have a financial interest
14 in Greenthread?

15 A Yes.

16 Q Would you describe yourself as
17 an expert witness for this matter?

18 A No.

19 Q And does Greenthread have any
20 business besides monetizing patents that it
21 owns?

22 A I'm sorry, say that again,
23 please?

24 Q Let me ask it this way. What is
25 Greenthread's primary business?

1 A Developing patents and suing
2 people to use and getting payment for it
3 since they infringe.

4 Q When you say developing patents,
5 what do you mean?

6 A We come up with ideas, have the
7 patents written and issued, and then we sit
8 on them for a while and see where they
9 could be used by other people.

10 Q Are you an inventor on any of
11 Greenthread's patents?

12 A I'm sorry?

13 Q Are you an inventor on any of
14 Greenthread's patents?

15 A None of them.

16 Q Do you have an understanding of
17 the technical subject matter of the
18 patents?

19 A If it's explained to me in good
20 detail, yes. If not, I don't. I'm not an
21 electrical engineer.

22 Q How many patents does
23 Greenthread own?

24 A Oh, I'm really not sure at the
25 moment. There are a lot in activity.

1 Q Is it more than ten?

2 A Yes.

3 Q Are you familiar with the
4 concept of a patent family?

5 A Patent family.

6 MR. MATICH: Objection. Calls
7 for a legal conclusion.

8 A I don't know what a family is in
9 regards to patents.

10 Q Okay. Are you familiar with the
11 two patents that are issue in the IPRs
12 you're being deposed in today?

13 A I know of the patents. I'm not
14 familiar with them. I don't -- haven't
15 looked at them.

16 Q Okay. So do you know if the --
17 well, let me strike that.

18 You understand that one of the
19 patents that's at issue in the
20 IPR2023-01242 is U.S. Patent No.
21 11,121,222? Is that something you know?

22 A I don't -- no, I don't.

23 Q Okay. Do you know what patent
24 is at issue in the IPR2023-01243?

25 MR. MATICH: Objection. Outside

1 the scope.

2 A On the advice of my attorney,
3 I'm not going to answer. It's beyond the
4 scope.

5 Q Mr. John, you still have to
6 answer the question unless your attorney is
7 instructing you not to answer.

8 MR. MATICH: If you know which
9 patent matches which IPR, you can say
10 that.

11 A No, I do not remember that.

12 Q Do you know if the two patents
13 at issue in these IPRs cover different
14 inventions?

15 MR. MATICH: Objection. Outside
16 the scope.

17 A No.

18 Q So I uploaded some exhibits to
19 an exhibit share link to potentially use in
20 this deposition.

21 MR. SPEEGLE: Is there a good
22 way for the witness to see those or
23 should I put new copies in the chat or
24 what's procedurally the best way to
25 handle that?

1 DOCUMENT TECHNICIAN: Okay.
2 Mr. Speegle, Kenneth Inoa, I'm your
3 document tech. I have the share file
4 open. If you want, you could just
5 state which ones you want pulled up
6 and I can share them on the screen and
7 drop them in the chat, or just the
8 chat, or just share them on the
9 screen, or obviously you could do it
10 on your own if that's your preference,
11 but I do have them open here and you
12 can call them out for me to present,
13 if you'd like.

14 MR. SPEEGLE: Okay. Let's
15 present EX 2072. Let's do the first
16 one, the 1242 version.

17 DOCUMENT TECHNICIAN: And,
18 Mr. Speegle, I have three different
19 files named that. Can you clarify
20 that one more time, the number you
21 have stated?

22 MR. SPEEGLE: I can just put it
23 in the chat. That's the easiest.
24 Here. This is Exhibit 2072.

25 BY MR. SPEEGLE:

1 Q Mr. John, are you able to pull
2 up that exhibit that I've put into the chat
3 so that you can see it?

4 MR. SPEEGLE: Nick, are you able
5 to help him with that?

6 MR. MATICH: Yes.

7 DOCUMENT TECHNICIAN: I could
8 present it to him on the screen,
9 counsel.

10 MR. MATICH: It might be easier
11 if Kenneth did that.

12 MR. SPEEGLE: Okay. That's
13 fine.

14 BY MR. SPEEGLE:

15 Q Mr. John, do you recognize
16 Exhibit 2072 that's been pulled up on the
17 screen for you?

18 A I recognize it as the first page
19 of declaration.

20 Q Okay, great.

21 MR. SPEEGLE: Kenneth, could you
22 please go to what's page 5 of Exhibit
23 2072.

24 Q Mr. John, can you see page 5 of
25 Exhibit 2072 on the screen here?

1 MR. MATICH: It's pretty small.

2 MR. SPEEGLE: Kenneth, could you
3 zoom in so they could see just the
4 first paragraph on the top?

5 Q Mr. John, are you able to see
6 that first paragraph on page 5 of Exhibit
7 2072 now?

8 A Yes.

9 Q And you recognize this as a
10 paragraph from one of the agreements
11 between Greenthread and RPX that you
12 mentioned in your declaration?

13 A Yes.

14 Q What do you know about RPX?

15 A Very little. I do know that
16 it's a company that buys patents and holds
17 them and tries to sell them to members of
18 their organization for their use and
19 license them if they work with the others.

20 MR. SPEEGLE: Kenneth, could you
21 pull up what is Exhibit 1051 in the
22 exhibit share folder.

23 BY MR. SPEEGLE:

24 Q Mr. John, have you ever visited
25 RPX's website?

1 MR. MATICH: Objection. Outside
2 the scope.

3 A No.

4 Q All right. Let's scroll down to
5 the third page of Exhibit 1051.

6 There's a paragraph that starts
7 under the heading We Prevent Patent
8 Litigation.

9 MR. SPEEGLE: Can you zoom in on
10 that, Kenneth?

11 MR. MATICH: So objection to
12 questions about this exhibit, that the
13 witness just testified he's never seen
14 and is not part of his declaration.
15 Also, it's very difficult to see
16 what's on the screen.

17 MR. SPEEGLE: Okay. Well, I'm
18 going to read what's on the screen to
19 make sure Mr. John can understand it
20 and then I'm going to ask if it aligns
21 with his understanding of RPX that he
22 just testified to.

23 Q So the quote on the screen from
24 Exhibit 1051, in case it's hard to read, it
25 says: RPX was formed because patent

1 litigation is extraordinarily inefficient
2 and wasteful for operating companies. The
3 best way to eliminate this inefficiency is
4 to eliminate the cause, potentially
5 problematic patents. Our pre-litigation
6 acquisition efforts proactively remove
7 patents from circulation. We identify and
8 acquire patents before they can be bought
9 by plaintiffs intending to assert them. By
10 doing so, we prevent potential litigation,
11 and the associated legal defense costs,
12 internal expenses and settlements that
13 would otherwise have occurred.

14 And my question, Mr. John, is
15 does that excerpt from Exhibit 1051 align
16 with your prior understanding of RPX?

17 MR. MATICH: Objection. Scope.

18 A I'm not that familiar with them.
19 So I can't answer that.

20 Q Okay. We can take down Exhibit
21 1051.

22 When did you first hear about
23 RPX?

24 A My first remembrance is probably
25 with an introduction when we were using the

1 firm Robbins Kaplan in a suit.

2 Q And when you say we, do you mean
3 Greenthread?

4 A Yes, Greenthread, and that
5 was -- let's see, this is -- that was 2020,
6 if I remember correctly.

7 Q Was that Greenthread's lawsuit
8 against [REDACTED]

9 A [REDACTED] yes.

10 Q So before the litigation with
11 [REDACTED] Greenthread had no interactions,
12 to your knowledge, with RPX?

13 A No, not that I can remember.

14 Q What was the context of your
15 introduction to RPX during the [REDACTED]
16 litigation?

17 A I had no interface with RPX. It
18 was all done through Robbins Kaplan.

19 Q Am I right that you were the
20 signatory of the RPX agreements between RPX
21 and Greenthread, right?

22 A That's the only thing I signed
23 with RPX and involved.

24 Q Were you involved in negotiating
25 those agreements?

1 A No.

2 Q Do you know anything about the
3 negotiation of those RPX agreements?

4 A No.

5 Q Did you interact with any
6 individuals associated with RPX at any
7 time?

8 A No, not that I remember.

9 Q Have you ever heard of RPX being
10 involved in a transaction without patent
11 litigation also being an issue?

12 MR. MATICH: Objection. Scope.

13 A I don't know if they do or not.

14 Q So personally you don't have any
15 knowledge of RPX licensing patents for a
16 reason besides litigation, right?

17 A That's correct.

18 Q What do you know about the cost
19 of patent litigation?

20 MR. MATICH: Objection. Scope.

21 A I just know that it's highly
22 expensive.

23 Q When you say highly expensive,
24 does that mean more than \$1 million?

25 MR. MATICH: Objection. Scope.

1 A I don't know if it goes from \$1
2 million to \$100 million. I don't know.

3 Q Do you know whether the cost of
4 patent litigation has been a motivating
5 factor for the settlements that Greenthread
6 has entered into with other companies?

7 A Not that I know of.

8 Q Mr. John, am I right that
9 Greenthread has two license agreements with
10 RPX, right?

11 A I don't know.

12 MR. MATICH: Mr. John is having
13 some trouble with his glasses.

14 THE WITNESS: That's all right.
15 I fixed them.

16 Q Why don't we look at paragraph 2
17 of your declaration. Do you have paragraph
18 2 in front of you?

19 A Yes.

20 Q And paragraph 2 describes
21 Appendix A and Appendix B as well as some
22 other appendixes to your declaration,
23 right?

24 A Yes.

25 Q And Appendix A and Appendix B

1 are both licenses between Greenthread and
2 RPX, right?

3 A If they're in the declaration,
4 yes.

5 Q So how did RPX contact
6 Greenthread to enter a license with
7 Greenthread?

8 A I'm sorry, say that again?

9 Q How did RPX contact Greenthread
10 about entering into license agreements?

11 A Into whom? Say the very end
12 again?

13 Q How did RPX contact Greenthread
14 in regards to entering into license
15 agreements?

16 A Through our attorney, Robbins
17 Kaplan.

18 Q So in paragraph 5 of your
19 declaration, you describe the interactions
20 between Greenthread and RPX in 2020, right?

21 A Yes.

22 Q Do you have personal knowledge
23 of those interactions?

24 A No, I don't.

25 Q At the end of that paragraph,

1 you talk about RPX giving sublicenses to
2 certain companies. Do you have personal
3 knowledge of that?

4 A Not until we were told that
5 there had been an agreement made between
6 the attorneys and whatever companies were
7 involved.

8 Q So you're relying on what
9 somebody else told you for that fact?

10 A I'm sorry, what?

11 Q So you don't have direct
12 knowledge of what RPX did? You're relying
13 on what somebody else told you?

14 A No, no, I don't.

15 Q So you're relying on what
16 somebody else told you?

17 A Yes.

18 Q Are you aware of all the
19 companies that Greenthread has contacted
20 regarding potential infringement?

21 A No.

22 Q In paragraph 4 -- well, before I
23 go to paragraph 4, so you're not aware of
24 everybody that Greenthread's made a threat
25 of litigation to?

1 A No.

2 Q What's the basis for your
3 statement in paragraph 4 that Greenthread
4 has never threatened litigation against
5 [REDACTED]?

6 A Because I was told by our
7 attorneys that they didn't threaten. They
8 had been talked to about, through RPX, that
9 there was some interest.

10 Q You don't have personal
11 knowledge of the subject matter of
12 paragraph 4?

13 A Personal knowledge?

14 MR. MATICH: Objection. Calls
15 for a legal conclusion. I don't think
16 the witness understands what you mean
17 by personal knowledge.

18 A Okay. No, I don't remember.

19 Q So in -- do you know if
20 Greenthread actually paid the fees that are
21 listed in your declaration here?

22 A It's a round number. I don't
23 know if that's the correct total or not.
24 I'd have to go back and research that.

25 Q Okay. Do you know, was

1 Greenthread actually paid that money?

2 A I don't remember.

3 Q Do you know if [REDACTED] or
4 [REDACTED] expressed any opinions about the
5 value of Greenthread's technology?

6 A I have no knowledge of what they
7 know about our technology.

8 Q And do you know if [REDACTED] or
9 [REDACTED] was concerned about patent
10 litigation?

11 MR. MATICH: Objection. Scope.

12 A I don't know. Robbins Kaplan
13 never mentioned it.

14 MR. MATICH: I'd caution the
15 witness not to divulge communications
16 with counsel.

17 Q Is there content in your
18 declaration that is based on communications
19 between your attorneys and yourself?

20 A No.

21 Q Do you know if [REDACTED] or
22 [REDACTED] ever mentioned the '222 Patent or
23 '842 Patent that are at issue in this
24 litigation?

25 MR. MATICH: Objection. Scope.

1 A I don't remember.

2 Q Do you know if any party that
3 has ever licensed a patent from Greenthread
4 has specifically mentioned the '222 Patent
5 or the '842 Patent that are at issue in
6 these proceedings?

7 MR. MATICH: Objection. Scope.

8 A I don't remember.

9 Q Are the '842 Patent and '222
10 Patent that are at issue in these
11 proceedings particularly valuable to
12 Greenthread?

13 MR. MATICH: Objection. Scope.

14 A Not that I remember.

15 Q Are there particular features in
16 Greenthread's technology that Greenthread
17 considers the most valuable?

18 MR. MATICH: Objection. Scope.

19 A We think they're all valuable.

20 Q Are they all equally valuable?

21 MR. MATICH: I'm sorry, I
22 couldn't hear the question.

23 Q Are they all equally valuable?

24 A That, I don't know.

25 Q Have you looked at the claims of

1 the '842 Patent?

2 MR. MATICH: Objection. Scope.

3 A No.

4 Q Have you looked at the claims of
5 the '222 Patent?

6 MR. MATICH: Objection. Scope.

7 A Not that I can remember.

8 Q Are you aware of any connection
9 between the claims of the '222 Patent and
10 the license agreements in your declaration?

11 MR. MATICH: Objection. Scope.

12 A Not being an engineer, no.

13 Q Are you aware of any connection
14 between the claims of the '842 Patent and
15 the licenses in your declaration?

16 MR. MATICH: Objection. Scope.

17 A Don't remember.

18 Q At any time during any of the
19 negotiations for any of the license
20 agreements that are mentioned in your
21 declaration, did any of the licensees
22 mention a specific claim from the 842 or
23 '222 Patent?

24 MR. MATICH: Objection. Scope.

25 A I don't know.

1 Q Looking at paragraph 2 of your
2 declaration, it refers to an Appendix B.

3 Do you see that?

4 A Say that again?

5 Q If you're looking at paragraph 2
6 of your declaration --

7 A Yes.

8 Q Do you see the reference to
9 Appendix B?

10 A Yes.

11 Q And that is the RPX license with
12 Intel and [REDACTED] right?

13 A That's what it says in my
14 declaration, yes.

15 Q Are you familiar with that
16 license?

17 A I wasn't until I read about it.
18 It was an add-on to the [REDACTED] one.

19 Q What do you mean by that?

20 A That the only one being sued in
21 that whole package was [REDACTED] originally.
22 All the rest of them were people that had
23 heard about our patents, wanted to be
24 included.

25 Q Did you not know that

1 Greenthread sued Intel?

2 A Do I know if they sued Intel?

3 Not that I know of. I'm not sure.

4 MR. MATICH: I think Mr. John

5 was looking at Appendix A, not

6 Appendix B.

7 A Well, we didn't sue Intel or

8 [REDACTED] They were add-ons.

9 Q Continuing down paragraph 2,
10 there is an Appendix C which refers to a
11 license with Micron, right?

12 A Yes.

13 Q Do you know if Greenthread sued
14 Micron?

15 A I don't remember if we did or
16 not.

17 Q Okay. There is an Appendix D
18 which refers to a license with Western
19 Digital.

20 Do you see that?

21 A Yes.

22 Q Do you know if Greenthread sued
23 Western Digital?

24 A I don't remember.

25 Q And there is Appendix E, which

1 refers to a license with AMS-OSRAM.

2 Do you see that?

3 A Yes.

4 Q Do you know if Greenthread sued
5 AMS-OSRAM?

6 A Yes, we did.

7 Q Would you agree that none of
8 these license agreements involve OnSemi?

9 A What?

10 Q None of these license agreements
11 involve OnSemi, the party to these
12 proceedings, right?

13 A Not that I know of.

14 Q You would not consider OnSemi a
15 licensee of Greenthread?

16 MR. MATICH: Objection. Calls
17 for a legal conclusion. Outside the
18 scope.

19 A I don't know.

20 Q So paragraph 3 of your
21 declaration describes transaction with
22 AMS-OSRAM.

23 Do you see that?

24 A Yes.

25 Q And do you know if -- let me ask

1 it this way. What kind of consideration
2 did Greenthread receive in exchange for a
3 license from AMS-OSRAM?

4 A I don't know what the total was.

5 Q Was there anything besides money
6 exchanged in that license?

7 A My deposition. My declaration
8 says that we received two patents from
9 them.

10 Q Do you have personal knowledge
11 of that?

12 A Just that we received two
13 patents. I don't know the patent numbers
14 or anything else. I haven't seen that yet.

15 Q How did Greenthread value those
16 two patents?

17 MR. MATICH: Objection. Scope.

18 A It was done outside of
19 Greenthread, I think, but I don't remember
20 completely.

21 Q Would you consider those patents
22 to be of similar value to the 842 and '222
23 Patents at issue in this case?

24 MR. MATICH: Objection. Scope.

25 Mark, you're going way outside. This

1 has nothing to do with his
2 declaration.

3 A I don't know.

4 MR. SPEEGLE: He talked about
5 receiving two patents in his
6 declaration. I'm asking about those
7 patents and how he valued them.

8 MR. MATICH: He's already
9 testified he's not an electrical
10 engineer.

11 MR. SPEEGLE: He's the president
12 of Greenthread. He signed the deal
13 buying these patents. I think he
14 should know how Greenthread valued
15 those patents. But maybe I'm wrong.

16 Q I'm sorry, I'm not trying to put
17 words in your mouth, Mr. John. Please tell
18 me what you know about the value of those
19 two patents.

20 A I don't think I ever heard of
21 the value of those two patents. That was
22 all done by our attorneys and our technical
23 input from outside sources.

24 Q Did you make the decision to
25 accept the deal with AMS-OSRAM?

1 A Not completely.

2 Q Who else contributed to that
3 decision?

4 A The two major shareholders of
5 Greenthread.

6 Q Who is that?

7 A Dr. Rao.

8 Q Who is the other one?

9 A I beg your pardon?

10 Q I thought you said there were
11 two shareholders.

12 A Myself and Dr. Rao.

13 Q So it was the decision of you
14 and Dr. Rao whether to accept the AMS-OSRAM
15 license agreement?

16 A On the two patents, yes.

17 Q And did you discuss with Mr. Rao
18 the value of those patents?

19 A No. He just said they were good
20 patents, and I believed him.

21 Q So paragraph 3 describes a
22 cause -- well, let me read the sentence to
23 you. I'll strike this question and start
24 over.

25 There is a sentence in the

1 middle of paragraph 3 that says:
2 Greenthread's licenses include clauses
3 giving licensees rights to future patents
4 Greenthread acquires.

5 Do you see that?

6 A Yes, I do.

7 Q And the next sentence says that
8 is a standard term in RPX licenses.

9 Do you see that?

10 A Yes.

11 Q How do you know that is the
12 standard term in RPX licenses?

13 A I was told that.

14 Q Who told you that?

15 A That I don't remember.

16 Q And you're saying under penalty
17 of perjury that it's true?

18 A Yes. I don't -- I don't
19 remember a lot of these things that
20 happened.

21 Q When did you prepare this
22 declaration?

23 A Let's see. It was in -- if I
24 remember correctly, it was sometime in May.

25 Q And did you have a better

1 understanding of the standard terms of RPX
2 licenses in May?

3 A I've never seen an RPX license.

4 Q Do you know why RPX might ask
5 for a clause that gives rights to future
6 patents that Greenthread acquires?

7 MR. MATICH: Objection. Scope.

8 A I don't have -- excuse me, I
9 don't have the foggiest idea.

10 Q Don't you say in your
11 declaration that it's to ensure permanent
12 patent peace between the parties?

13 A Probably. I guess that's how
14 they work it.

15 Q But you don't know if that's
16 true or not?

17 A No.

18 Q Are there other statements in
19 your declaration that you don't know if
20 they're true or not?

21 A Not that I remember.

22 MR. SPEEGLE: I tell you what.
23 We've been going about 45 minutes.
24 Can we go ahead and take our first
25 break?

1 (Recess taken 1:16 p.m.)

2 (Resumed 1:26 p.m.)

3 BY MR. SPEEGLE:

4 Q Mr. John, do you know when
5 OnSemi's IPRs against Greenthread were
6 filed?

7 MR. MATICH: Objection. Scope.

8 A Don't know.

9 Q So looking at your declaration,
10 paragraph 2 refers to five licenses, right?

11 A Yes, it does.

12 Q Okay.

13 MR. SPEEGLE: Kenneth, I'm going
14 to use your help pulling up pages from
15 the Exhibit 2072 to establish when
16 those licenses were entered into and
17 the amounts of those licenses.

18 Can you help me with that?

19 Kenneth, are you with us?

20 DOCUMENT TECHNICIAN: Yes, I'm
21 here. You said 2072. Again, there's
22 three of them. It was the same one
23 that we pulled up earlier?

24 MR. SPEEGLE: Yes, the same one.

25 They're identical.

1 DOCUMENT TECHNICIAN: Oh,
2 they're all identical, okay. Just
3 wanted to confirm.

4 Direct me to what you're
5 referring to.

6 MR. SPEEGLE: Can you turn to
7 page 17?

8 Q Mr. John, this is the signature
9 page from your first agreement with RPX,
10 right?

11 A Yes.

12 Q And this was dated in July of
13 2020, right?

14 A Yes.

15 Q And this first license
16 agreement, as you stated in paragraph 6 of
17 your declaration, was for \$30 million,
18 right?

19 A I don't remember.

20 Q Okay. Let's just move on.

21 MR. SPEEGLE: Kenneth, can you
22 take me to paragraph 43, please --
23 page 43, page 43, not paragraph.

24 DOCUMENT TECHNICIAN: Page 43,
25 okay.

1 Q Mr. John, do you recognize this
2 as the signature page for your -- for
3 Greenthread's second license agreement with
4 RPX?

5 A Yes.

6 Q And this was dated in April of
7 2023, right?

8 A Yes.

9 Q All right.

10 MR. SPEEGLE: And, Kenneth, if
11 you can turn to page 32.

12 Q I'm interested in that fee
13 section at the bottom and I just want to
14 confirm that the second license agreement
15 between Greenthread and RPX was for \$10
16 million, right?

17 A Yes.

18 Q And how much of that \$10 million
19 is attributable to the 842 and '222 Patents
20 at issue in these proceedings?

21 MR. MATICH: Objection. Scope.

22 A Don't know.

23 Q Do you know how much of the \$30
24 million paid in the first RPX is
25 attributable to the 842 or '222 Patents?

1 MR. MATICH: Objection. Scope.

2 Calls for expert testimony.

3 A Don't know.

4 MR. SPEEGLE: Okay. Kenneth,
5 can you please take us to page 77?

6 Q Mr. John, this is the signature
7 page from the agreement between -- well,
8 this is the agreement -- well, I'm actually
9 confused all of a sudden. This says
10 Vervain LLC on it. What is Vervain LLC?

11 A It's not --

12 Q I'm sorry, I couldn't hear you.
13 Can you speak up?

14 MR. MATICH: Where does it say
15 Vervain?

16 MR. SPEEGLE: Right above
17 Mr. John's signature.

18 Kenneth, can you highlight
19 Vervain right above Philip John?

20 Q I'm sorry, Mr. John, if you're
21 just thinking, I don't mean to interrupt,
22 but the question is what is Vervain LLC?

23 A It's not mentioned at all in
24 my --

25 Q Mr. John, if you're speaking to

1 counsel, can you please speak up?

2 MR. MATICH: No. I don't think
3 he was addressing me.

4 A No, I'm trying to talk myself
5 into what it means because I don't think
6 any of it shows up in my declaration.

7 Q Have you ever heard of Vervain
8 LLC before?

9 A Yes.

10 Q What is Vervain LLC?

11 A It's a separate company.

12 Q What -- what -- is this a
13 signature page?

14 MR. SPEEGLE: And maybe,
15 Kenneth, can you scroll up and show
16 the prior pages and particularly page
17 75? Just scroll up slowly so we can
18 see this is a continuation of a
19 license agreement between Micron and
20 Greenthread. That's a good page.

21 Q Mr. John, do you see what is
22 page 5 of Exhibit 2072 has notice
23 provisions to Greenthread and Micron?

24 A I can get down to the licensor
25 only. Can you move it up?

1 Q I apologize, Mr. John. I'm not
2 trying to rush you. Your counsel has asked
3 me to be quick here.

4 A I know. I know. You want to
5 know what Vervain is.

6 MR. MATICH: I think he was
7 asking you about this page.

8 A This page?

9 Q Well, I was trying to confirm --

10 A I recognize that page.

11 Q Okay.

12 A It was a license agreement
13 between Vervain and Micron.

14 Q Is the license agreement between
15 Vervain and Micron different from the
16 license agreement between Greenthread and
17 Micron?

18 MR. MATICH: Objection. Scope.

19 A That I don't know for sure
20 because this was all handled by McKool
21 Smith for a phone call from Micron.

22 Q So do you know if the money that
23 Micron paid in this license agreement
24 covered patents from Vervain or patents
25 from Greenthread, or both?

1 MR. MATICH: Objection. Scope.

2 A I don't know.

3 MR. SPEEGLE: Kenneth, let's
4 turn to page 87 of Exhibit 2072.

5 I'm sorry, I skipped one of my
6 lines. Page 69, I actually want to go
7 to.

8 Q Mr. John, do you see the
9 paragraph 4.1 on page 69?

10 A Yes, I do.

11 Q And this refers to a payment of
12 \$5 million by Micron, right?

13 A Yes.

14 Q Okay.

15 MR. SPEEGLE: Now let's go to
16 page 96, Kenneth.

17 Q Mr. John, is this your signature
18 on page 96?

19 A Yes.

20 Q And if you scroll down to page
21 97, Kenneth, is this the signature page for
22 Western Digital as well?

23 A Yes.

24 Q And this page is not actually
25 signed, right?

1 A I don't see it being signed, no.

2 Q And do you know if it was ever
3 actually signed?

4 A I hope so, but I have not seen
5 it.

6 Q Okay.

7 MR. SPEEGLE: Go back up to page
8 96, Kenneth.

9 Q The date of your signature on
10 this, Mr. John, is July 2023, right?

11 A Yes.

12 Q And it's July 26th,
13 specifically?

14 A Yes.

15 MR. SPEEGLE: All right.
16 Kenneth, let's go back up to page 87.

17 Q Again, there's a Section 4.1 at
18 the bottom of page 87 and this refers to a
19 payment of \$5 million by Western Digital,
20 is that right?

21 A Yes.

22 Q Let's go to page 118.

23 MR. SPEEGLE: Kenneth, are you
24 taking us to page 118?

25 Q This is a signature page for

1 AMS-OSRAM's agreement with Greenthread,
2 right?

3 A Yes.

4 Q And this is dated March 27,
5 2024?

6 A Yes.

7 Q And this is the most recent of
8 the license agreements that Greenthread has
9 entered into, right?

10 A I think so.

11 Q And it's more recent than the
12 other four agreements we looked at, which
13 are all July 26, 2023 or earlier, right?

14 A Yes.

15 Q And let's go up to page 108.
16 This refers to a payment to Greenthread of
17 \$625,000 for a license to Greenthread's
18 patents, right?

19 A Yes, it does.

20 Q Why was the OSRAM, AMS-OSRAM
21 license so much lower than the other
22 licenses?

23 MR. MATICH: Objection. Scope.

24 A I was not and did not do the
25 negotiating. So I don't know why.

1 Q Do you know that the AMS-OSRAM
2 license agreement is the only license
3 agreement that was entered into after
4 OnSemi filed its IPRs?

5 A Say that again?

6 Q Did you know that the AMS-OSRAM
7 license agreement with Greenthread is the
8 only one of the five license agreements
9 that was entered into after OnSemi filed
10 these present IPRs?

11 MR. MATICH: Objection. Scope.

12 A I don't know.

13 Q Do you know if OnSemi's IPRs and
14 their institution had any impact on the
15 amount that Greenthread accepted in the
16 AMS-OSRAM license?

17 A I don't know.

18 Q Are you aware of any current
19 negotiations for licenses to Greenthread's
20 patents?

21 MR. MATICH: Objection. Scope.

22 A Ask me the question again?

23 Q Are you aware of any current
24 negotiations for licenses to Greenthread's
25 patents?

1 MR. MATICH: Objection. Scope.

2 A Not that I know of.

3 Q Do you know if the numbers being
4 exchanged in current negotiations would
5 reflect the value of Greenthread's patents?

6 MR. MATICH: Objection. Scope.

7 A I don't know.

8 Q I want to go back to paragraph 2
9 of your declaration. This is the one you
10 have in front of you.

11 MR. SPEEGLE: Kenneth, you can
12 take down the electronic exhibit?

13 DOCUMENT TECHNICIAN: Counsel,
14 are we taking this down?

15 MR. SPEEGLE: Yes, you can take
16 that down. I believe Mr. John has the
17 paper copy of his declaration in front
18 of him.

19 Q Is that right?

20 A Yes.

21 Q Mr. John, do you see the last
22 sentence of paragraph 2?

23 A Yes.

24 Q And that sentence starts out
25 saying "Each licensee has performed as

1 agreed." Is that true?

2 A I -- if it's in the declaration,
3 it's got to be there.

4 Q How do you know that's true?

5 A Because I had to look up for all
6 these licenses as to what they brought in,
7 and that was all during Robbins Kaplan as
8 attorneys.

9 Q So you looked up the performance
10 during the time that Robbins Kaplan was
11 representing Greenthread?

12 A I don't remember.

13 Q So there's a statement in
14 paragraph 5 of your declaration that
15 says -- let me know when you've turned to
16 paragraph 5 of your declaration.

17 A Got it.

18 Q It says, the last sentence says:
19 Greenthread and RPX negotiated the license
20 to RPX, Appendix A, which gave RPX the
21 right to sublicense those companies to the
22 Greenthread family of patents and which I
23 understand RPX did, in fact, grant to them.

24 Do you see that?

25 A Again, I missed it somewhere.

1 Q So the last sentence of
2 paragraph 5 of your declaration --

3 A Okay.

4 Q I'll read it again just to be
5 clear. It says: Greenthread and RPX
6 negotiated a license to RPX, Appendix A,
7 which gave RPX the right to sublicense
8 those companies to the Greenthread family
9 of patents and which I understand RPX did,
10 in fact, grant to them.

11 And my first question is, did I
12 read that sentence correctly?

13 A No.

14 Q Okay. Can you read the last
15 sentence of paragraph 5 for the record?

16 A Last sentence: Greenthread and
17 RPX negotiated a license to RPX, which gave
18 RPX the right to sublicense these companies
19 to the Greenthread family of patents, which
20 I understand RPX did, in fact, grant to
21 them.

22 Q Thank you.

23 What's your basis for that
24 understanding that RPX did grant a license
25 to the people referenced?

1 A From discussions with our
2 attorneys --

3 MR. MATICH: Objection. I
4 caution the witness not to reveal
5 communications with counsel.

6 THE WITNESS: Okay.

7 Q Other than communications with
8 counsel, do you have any basis for that
9 statement?

10 A Do I, no, because I don't talk
11 to them very often.

12 Q Okay. In 6, the fourth line
13 down, there is a statement that says --
14 it's describing a term in the RPX
15 agreement, and it says: The reason for
16 this schedule was the dates on which
17 [REDACTED] [REDACTED] would wire
18 their contributions to the license fee to
19 RPX.

20 Do you see that?

21 A Yes.

22 Q How do you know that's true?

23 A How do I know what?

24 Q How do you know that sentence is
25 true?

1 A Because that's what I was told
2 the payment program would be.

3 Q So you're relying on what
4 counsel told you?

5 A I beg your pardon?

6 Q Are you relying on what counsel
7 told you for that statement?

8 MR. MATICH: I'd caution the
9 witness not to reveal communications
10 with counsel.

11 A I don't remember if it was
12 counsel or somebody else. It could have
13 been somebody within my -- within
14 Greenthread that got some information about
15 it, but I don't remember.

16 Q You don't have personal
17 knowledge of the relationship between
18 [REDACTED] and RPX?

19 A Do I know what?

20 Q Do you have personal knowledge
21 of the relationships among [REDACTED]
22 [REDACTED] and RPX?

23 A No.

24 Q Mr. John, how did it come to
25 pass that you submitted a declaration in

1 this matter?

2 A I got this as a draft.

3 Q Did you make any edits to it
4 when you received the draft?

5 MR. MATICH: Objection.

6 A I don't remember. I don't think
7 I made any --

8 MR. MATICH: Object. I'd
9 instruct the witness not to reveal
10 communications or back and forth with
11 counsel.

12 A I don't know.

13 Q Mr. John, is it right that
14 Greenthread has never sold a commercial
15 product?

16 A I'm sorry, can you say that
17 again?

18 Q Is it correct that Greenthread
19 has never sold a commercial product?

20 A Yes.

21 Q And are you aware of whether
22 products embodying the Greenthread patents
23 outperform products that do not practice
24 the Greenthread patents in the market?

25 MR. MATICH: Objection. Scope.

1 Q Do you need me to repeat the
2 question?

3 A Not to my knowledge.

4 Q Are you aware of any evidence of
5 another party copying any of Greenthread's
6 patents?

7 MR. MATICH: Objection. Scope.

8 A I don't know.

9 Q Are you aware of any statements
10 from the parties that license Greenthread
11 patents praising Greenthread's technology?

12 MR. MATICH: Objection. Scope.

13 A I don't understand the question.
14 I don't understand.

15 Q Well, I'll break it down to make
16 sure you understand.

17 When I refer to the parties that
18 licensed Greenthread's patents, you
19 understand I'm referring to the parties
20 listed in paragraph 2 of your declaration,
21 right?

22 A Yes.

23 Q And you're not aware of any
24 statements by those parties in paragraph 2
25 of your declaration praising the

1 technology --

2 MR. MATICH: Objection. Scope.

3 MR. SPEEGLE: Nick, let me
4 finish the question before you object.
5 I understand I'm trying to go slow so
6 the witness can understand the
7 question he didn't understand before.
8 Let me start over.

9 MR. MATICH: Mark, I'm just
10 going to say it's like -- this is part
11 of why -- this is why we wanted to
12 have the deposition videotaped because
13 it's clear Mr. John is having trouble
14 concentrating, that you can see in the
15 video that he's looking out the side
16 and that he's doing his best, but he's
17 having a lot of trouble because he --
18 as we let you guys know before this
19 deposition, he just had a significant
20 change in his chemotherapy regimen and
21 he also has an issue with his feeding
22 tube that arose this morning. And you
23 keep asking questions that are outside
24 the scope.

25 I'm going to keep objecting. If

1 you want to keep asking, that's fine,
2 but Mr. John is having a lot of
3 trouble here and he's doing his best,
4 but you're -- you keep going beyond
5 the scope.

6 MR. SPEEGLE: I disagree that
7 any of my questions are beyond the
8 scope. I'm doing my best to be
9 considerate of Mr. John's condition.
10 I'm trying to ask this question again
11 slowly because Mr. John said he did
12 not understand my prior question.

13 And I'd appreciate it, Nick, if
14 you'd let me finish my question before
15 you object.

16 Q Mr. John, we were discussing
17 entities listed in paragraph 2 of your
18 declaration.

19 Do you remember that?

20 A Yes.

21 Q My question was, you're not
22 aware of any statements by those entities
23 in paragraph 2 of your declaration praising
24 Greenthread's patented technology, right?

25 MR. MATICH: Objection. Scope.

1 A I don't know.

2 Q Okay.

3 MR. SPEEGLE: Why don't we take
4 another break and we may be able to
5 wrap this up pretty soon.

6 (Recess taken 2:02 p.m.)

7 (Resumed 2:05 p.m.)

8 MR. SPEEGLE: I pass the
9 witness. Mr. John, thank you for your
10 time.

11 THE WITNESS: Thank you.

12 EXAMINATION BY

13 MR. MATICH:

14 Q Mr. John, I've got a few
15 questions for you.

16 A Okay.

17 Q Are you suffering from any
18 health issues right now?

19 A Yes.

20 MR. SPEEGLE: Objection. Scope.

21 A Yes.

22 Q What condition are you suffering
23 from right now?

24 A Cancer.

25 MR. SPEEGLE: Objection. Scope.

1 Q Are you undergoing chemotherapy?

2 A Yes.

3 MR. SPEEGLE: Objection. Scope.

4 Q Did your doctors adjust your
5 chemotherapy regimen recently?

6 A Yes.

7 MR. SPEEGLE: Objection. Scope.

8 Q When did that occur?

9 A Three weeks --

10 MR. SPEEGLE: Same objection.

11 A Six weeks ago.

12 Q How has the changed chemotherapy
13 regimen affected you?

14 MR. SPEEGLE: Same objection.

15 A Just wiped me out worse than the
16 first time, the first chemo. I've been on
17 that since February.

18 Q Did anything happen to you last
19 night or this morning?

20 A It's happened twice this week.
21 Wednesday, my feeding tube, the original
22 one, popped out and I stuck it back in and
23 went to the emergency room, they replaced
24 it. Then this morning, I got up and the
25 new one had popped out.

1 Q Do you recall we wanted to
2 videotape this deposition?

3 MR. SPEEGLE: Objection. Scope.

4 A Yes.

5 Q And do you recall why we didn't
6 videotape it?

7 MR. SPEEGLE: Objection. Scope.
8 Hearsay.

9 A Because Mark didn't want to do
10 it.

11 Q Do you recall signing the
12 declaration that -- well, scratch that.

13 Do you recall Mr. Speegle asking
14 you questions about your declaration in
15 these matters?

16 A Some.

17 Q But you can't recall all of his
18 questions?

19 A No.

20 Q Do you recall signing the
21 declaration in May?

22 A Yes.

23 Q Do you recall verifying the
24 information in your declaration?

25 A Yes.

1 Q And you verified it at the time
2 that you signed it?

3 A Yes.

4 Q Did you have trouble
5 understanding some of Mr. Speegle's
6 questions?

7 MR. SPEEGLE: Objection.
8 Leading.

9 A Yes.

10 Q If you gave an answer today that
11 was -- well, scratch that.

12 (Pause)

13 MR. SPEEGLE: I apologize. Is
14 there a question pending?

15 MR. MATICH: There's no question
16 pending. I'm thinking.

17 Q Mr. John, can you describe what
18 just happened?

19 A Where?

20 Q Did your daughter just come in
21 the room?

22 A Yes. She wanted to find out how
23 I was. She didn't come in. She just put
24 her head around the corner.

25 Q Did you have personal knowledge

1 of the matters in your declaration at the
2 time that you signed it?

3 A I knew of the -- all of the
4 IPRs, but what patents they covered and
5 this type of thing, no, I really didn't
6 because you lose track of those in the
7 IPRs.

8 Q I'm referring to the
9 circumstances of Greenthread's licenses.
10 When you signed the declaration, did you
11 have personal knowledge about all the facts
12 listed in your declaration?

13 A In most cases, I found the facts
14 in old records that went back to the
15 licenses that the first firm used and then
16 tried to do it with the second group with
17 McKool, but all those numbers were not
18 available at the time, and they had been
19 available to them, but they haven't given
20 us the final numbers.

21 MR. MATICH: Thank you. No
22 further questions.

23 EXAMINATION BY

24 MR. SPEEGLE:

25 Q Mr. John, I just want to ask a

1 couple of quick questions about what your
2 counsel just asked.

3 I believe you said you began
4 undergoing chemo treatments in February, is
5 that right?

6 A Yes.

7 Q And Greenthread still selected
8 you as a declarant in May, right?

9 A Declared me what?

10 Q Greenthread had you submit a
11 declaration in the IPRs in May, right?

12 A Yes.

13 Q So they chose to use you for a
14 declaration months after you began
15 chemotherapy, right?

16 A Yes. I was much stronger then.

17 MR. SPEEGLE: Okay. No further
18 questions.

19 THE COURT REPORTER: Okay. Is
20 that all?

21 MR. MATICH: Give me just a
22 moment. Let me look at the transcript
23 and see if I have any re-redirect.

24 (Pause)

25 MR. MATICH: No further

1 questions.

2 THE COURT REPORTER: Okay.

3 We're off the record at 2:15 p.m.

4 MR. SPEEGLE: We do need -- Ms.

5 Reporter, can we get the rough today

6 and I think we requested an expedited

7 final in three business days.

8 THE COURT REPORTER: Yes, I have

9 that order. Is that the same order

10 for you as well, Nick?

11 MR. MATICH: Yes, please.

12 (Time noted 2:15 p.m.)

13 * * *

14

15

16

17 _____
JOHN PHILIP

18

19

20 before me this day

21 of , 20__

22

23 _____

24 NOTARY PUBLIC

25

1 ----- I N D E X -----

2 WITNESS EXAMINATION BY PAGE

3 PHILIP JOHN

4 MR. SPEEGLE 4, 58

5 MR. MATICH 54

6

7

8 EXHIBITS REFERENCED: PAGE

9 Exhibit 2072.....13

10 Exhibit 1051.....15

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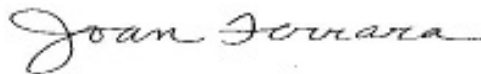
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I, JOAN FERRARA, do hereby certify:

That said deposition was taken at the time and place herein named; and that the transcript is a true record of the testimony as reported by me, a disinterested person, and was thereafter transcribed.

I further certify that I am not interested in the outcome of the said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2024.



JOAN FERRARA, RMR, CFRR

DEPOSITION ERRATA SHEET

Case Caption:

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
vs.
GREENTHREAD LLC

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript
of my deposition taken in the captioned
matter or the same has been read to me,
and the same is true and accurate, save
and except for changes and/or corrections,
if any, as indicated by me on the
DEPOSITION ERRATA SHEET hereof, with the
understanding that I offer these changes
as if still under oath.

SIGNATURE _____ DATE: _____
PHILIP JOHN

Subscribed and sworn to on the ____ day of
_____, 20__ before me,

Notary Public,
in and for the State of _____

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