

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

4 -----X
5 GOOGLE LLC,
6 Petitioner,
7 vs.
8 ECOFACTOR, INC.,
9 (record) Patent Owner.

10 -----X
11 IPR2021-01218
12 U.S. Patent 8,019,567
13
14

15 REMOTE VIDEOTAPED DEPOSITION OF
16 JOHN A. PALMER, Ph.D.
17 Friday, July 8, 2022
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21 Reported by:
22 Angela M. Shaw-Crockett, CCR, CRR, RMR, CSR
23 Job No.213471
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July 8, 2022

1:01 p.m.

REMOTE VIDEOTAPED DEPOSITION OF JOHN A. PALMER,
Ph.D., before Angela M. Shaw-Crockett (APPEARING
REMOTELY), a Certified Court Reporter, Certified
Realtime Reporter, Registered Merit Reporter and
Notary Public of the States of New York, New
Jersey, and Connecticut.

J. Palmer

R E M O T E A P P E A R A N C E S :

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BY: JONATHAN LINK, ESQ.

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* *

1 J. Palmer

2 THE COURT REPORTER: Good
3 morning/afternoon, Counselors. My name is
4 Angie Shaw-Crockett in association with TSG
5 Reporting, Inc.

6 Due to the severity of COVID-19 and
7 following the practice of social distancing, I
8 will not be in the same room with the witness
9 but will swear the witness remotely.

10 Do all parties stipulate to the validity
11 of this remote swearing and that it will be
12 admissible in the courtroom as if it had been
13 taken following Rule 30 of the Federal Rules of
14 Civil Procedure and the state's rules where
15 this case is pending?

16 MR. LINK: Yes.

17 MS. LAUGHTON: Yes, we do.

18 John A. Palmer, Ph.D., having been duly REMOTELY sworn,
19 testified as follows:

20 (Exhibit 1001 was received and marked for
21 identification, as of this date.)

22 (Exhibit 2002 was received and marked for
23 identification, as of this date.)

24 (Exhibit 1004 was received and marked for
25 identification, as of this date.)

1 J. Palmer

2 (Exhibit 1007 was received and marked for
3 identification, as of this date.)

4 (Exhibit 1008 was received and marked for
5 identification, as of this date.)

6 (Exhibit 1009 was received and marked for
7 identification, as of this date.)

8 MS. LAUGHTON: Good afternoon -- or,
9 morning -- afternoon for some of us.

10 Dr. Palmer, this is a deposition in -- in
11 IPR2021-01218, Google LLC v. EcoFactor Inc.,
12 and this is, in particular, a deposition
13 regarding patent number 8,019,567.

14 My name is Elizabeth Laughton of Smith
15 Baluch LLP, representing the Petitioner, Google
16 LLC, in this matter.

17 Counsel, would you like to identify
18 yourself?

19 MR. LINK: Yes. Jonathan Link of the law
20 firm of Russ August & Kabat, representing the
21 patent owner, EcoFactor.

22 MS. LAUGHTON: Great. Thank you.

23 EXAMINATION

24 BY MS. LAUGHTON:

25 Q. Dr. Palmer, this is a remote deposition

1 J. Palmer

2 conducted by Zoom.

3 Could you please state your name for the
4 record?

5 A. John Arthur Palmer.

6 Q. And you've been deposed before; is that
7 correct?

8 A. I have.

9 Q. By me specifically?

10 A. Among others, yes.

11 Q. Yes. About how many times have you been
12 deposed?

13 A. Somewhere in the mid 80s I think.

14 Q. And so am I correct in understanding
15 you're generally familiar with the rules of a
16 deposition?

17 A. I am.

18 Q. Is there any reason that you can't testify
19 accurately today?

20 A. Nope.

21 Q. Do you have any medical or any other
22 issues that would interfere with your testimony
23 today?

24 A. I don't.

25 Q. And have you prepared for today's

J. Palmer

deposition?

A. I have.

Q. What did you do to prepare for today's deposition?

A. I reviewed my declaration. I reviewed portions of Mr. Shah's declaration. I reviewed the patent at issue, and I reviewed the a few of the prior art references as well. And I did have a telephone conference with Mr. Link as well.

Q. And did you speak with anybody else to prepare for today's deposition?

A. No.

Q. I've placed a number of exhibits in the chat. These are all exhibits that have been premarked in this matter. I'll just list them for the record.

So it's Exhibit 1001, Exhibit 2002, Exhibit 1004, Exhibit 1007, Exhibit 1008, and Exhibit 1009.

And Dr. Palmer, if I could please direct you to what is marked as Exhibit 2002 in this matter.

A. Of course.

Q. And this document is entitled "Declaration

1 J. Palmer

2 of John A. Palmer, Ph.D."

3 Do you see this document?

4 A. I do.

5 Q. And are you the John A. Palmer, Ph.D. that
6 is listed here?

7 A. Yes.

8 Q. Is this your declaration?

9 A. It is.

10 Q. Did you sign it under oath?

11 A. I did.

12 Q. Did you read it prior to signing it?

13 A. I not only read it, but I wrote most of
14 it. So yes, I'm pretty familiar with it.

15 Q. And this declaration relates to U.S.
16 patent number 8,019,567; is that correct?

17 A. Yes.

18 Q. And you referred to this patent as the
19 '567 patent in your declaration.

20 Can we do that here as well?

21 A. I'm absolutely fine with that.

22 Q. Good. I don't want to say this whole
23 number every time either.

24 And after you signed the final version of
25 this declaration, about how many hours did you spend

1 J. Palmer

2 preparing for this deposition?

3 A. Maybe five or six.

4 Q. And during that preparation, I just want
5 to confirm, you did review the '567 patent again; is
6 that correct?

7 A. I did.

8 Q. And would you say that you're familiar
9 with the '567 patent and how it generally works?

10 A. Reasonably so, yes.

11 Q. And you said that you reviewed some of the
12 references that were at issue; is that correct?

13 A. Yes.

14 Q. Did you review the Hildebrand reference?

15 A. Yes, I did.

16 Q. Did you review the Van Ostrand reference?

17 A. I did.

18 Q. Did you review the Spalink reference?

19 A. I don't remember -- I don't think so. I
20 mean, not recently. Obviously, I did back when I
21 was preparing my report -- or, my declaration, but I
22 didn't look at it recently.

23 Q. And did you review the Rosen reference
24 more recently?

25 A. I think it's the same answer. I didn't

1 J. Palmer

2 look at it recently.

3 Q. Do you have an understanding about what
4 the relevant time frame for determining obviousness
5 is in this case?

6 A. I do.

7 Q. And what is your understanding?

8 A. My understanding is that the relevant time
9 frame is around 2007, which is when the application
10 for the '567 patent was submitted.

11 Q. And is it okay with you if I refer to the
12 time frame up to and just before that September 2007
13 period as the "relevant time frame" in this
14 deposition?

15 A. That's fine.

16 Q. Great.

17 And so turning to the '567 patent, you
18 have that in front of you, if you need it, there in
19 the chat.

20 And would you say that you're generally
21 familiar with the claims of the '567 patent?

22 A. Yes.

23 Q. Do the claims of the '567 patent, in your
24 opinion, cover systems and/or methods used in
25 commercial structures?

1 J. Palmer

2 A. It can certainly be applied to commercial
3 structures. There are certainly commercial
4 structures for which it wouldn't apply. But yes, it
5 would include commercial structures.

6 Q. And specifically asking about Claim 8 of
7 the '567 patent -- if you need a second to get that
8 in front of you?

9 A. I've got it.

10 Q. Great.

11 Does Claim~8 of the '567 patent, in your
12 opinion, cover an overall system which has multiple
13 HVAC systems in it?

14 A. Claim~8 does specifically refer to a
15 multiplicity or at least a second HVAC control
16 system.

17 Q. And speaking specifically about the -- you
18 mentioned HVAC control system. I just want to make
19 sure that we're talking about the same thing.

20 So my question was specifically about
21 whether Claim~8 of the '567 patent covers an overall
22 system which has multiple HVAC systems in it?

23 A. Claim~8 is specifically talking about a
24 first control system associated with a first
25 structure and a second control system associated

1 J. Palmer

2 with a second structure. It doesn't specifically
3 call out a singular structure with multiple control
4 systems or a singular HVAC system with multiple
5 control systems, although it doesn't exclude that.

6 Q. Okay. And do you see in Claim~8, where it
7 mentioned "said HVAC system," and then it also
8 mentioned "said second HVAC system."

9 Do you see the references to that
10 language?

11 A. Yes.

12 Q. So then restating my question, does
13 Claim~8 of the '567 patent cover an overall system
14 in which there are multiple HVAC systems?

15 A. Claim~8 is specifically talking about --
16 well Claim~8 is an overall system that includes
17 multiple control systems and multiple HVAC systems.

18 Q. And can those HVAC systems be located in
19 different structures?

20 A. It expressly calls for that.

21 Q. So, now, looking at Claim 1 of the '567
22 patent, in your opinion, does that cover an overall
23 system which can contain multiple HVAC systems?

24 A. Claim 1 is specifically -- it refers to
25 evaluating changes in the operational efficiency of

1 J. Palmer

2 "an" HVAC system. It certainly indicates the
3 singular in terms of the overall -- or, the HVAC
4 system.

5 Q. Okay. And then looking at Claim 1, do you
6 see where it says, at least, "said first structure
7 conditioned by at least one HVAC system"?

8 Do you see that?

9 A. I do.

10 Q. And what, in your opinion, does that claim
11 language indicate regarding whether or not there can
12 be multiple HVAC systems in the overall system?

13 A. It can include more than one HVAC system.

14 Q. Setting aside the '567 patent for a
15 moment, you have reviewed the Hildebrand reference,
16 correct?

17 A. I have.

18 Q. And just for the record, you have the
19 Hildebrand reference in front of you as
20 Exhibit 1004. If you need to refer to that at any
21 time in your testimony, please feel free to do so.

22 So in your opinion, is it correct that
23 Hildebrand teaches that its systems can only be used
24 in residential settings?

25 A. It does not expressly say it's for use

1 J. Palmer

2 only in residential settings.

3 Q. Do you know whether the Hildebrand
4 reference ever mentions commercial implementations
5 of its systems?

6 A. It mentions the existence of commercial
7 systems, but it doesn't elaborate on giving an
8 implementation of a commercial system.

9 Q. Can you explain to me what you mean by
10 that? It doesn't elaborate on giving an
11 implementation of commercial system?

12 A. Well, none of its preferred embodiments
13 point towards a commercial implementation. They --
14 it does in the introductory paragraph or referring
15 to the background of the invention -- it does
16 specifically indicate -- or, it acknowledges
17 elaborate systems such as may be used in a
18 commercial building, but it doesn't focus on such
19 things in a -- in terms of its description of any
20 embodiments.

21 Q. In your opinion, were multistage HVAC
22 systems common in commercial settings as of the
23 relevant time?

24 A. They certainly were in existence.
25 There's -- you know, the term "common" is a relative

1 J. Palmer

2 term, but, I mean, it certainly isn't something that
3 was unusual or unknown.

4 Q. But in your opinion, would it be fair to
5 say that they were widely prevalent in commercial
6 systems as of the relevant time?

7 A. They were in use in a broad array of
8 applications.

9 Q. Is it your opinion that in 2007, at the
10 relevant time, residential HVAC systems did not have
11 multiple stages of heating or cooling?

12 A. Multistage systems did exist, but they
13 were much less common than single-stage systems.

14 Q. Do you agree with me that some residential
15 systems as of the relevant time did have multiple
16 stages of heating or cooling?

17 A. They certainly existed.

18 Q. If I could please direct you to
19 paragraph 44 of your declaration.

20 If you could just let me know when you
21 have that in front of you.

22 A. (Witness complies.)

23 Okay. I'm there.

24 Q. Great.

25 A. Did you say 44?

J. Palmer

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Q. 44, yes.

A. Okay.

Q. And do you see this paragraph is talking about the Rosen reference, which, just for the record, you also have in front of you, if you need to take a look at that.

It states: "Rosen teaches acquiring weather information, but does not teach any use of said weather information except for display purposes"?

A. Yes.

Q. Do you see that?

A. I do.

Q. And you've reviewed the Rosen reference; is that correct?

A. I have.

Q. Is it your opinion that Rosen never uses any weather information for any system control purposes anywhere in the reference?

A. I don't have a specific recollection of him using it in any specific -- or, actually using it other than to display, but if there's a point in the reference that you'd like me to look at, I'd be happy to do so.

J. Palmer

Q. So based on your review of the reference, you don't recall any places where Rosen uses any weather information for system control purposes; is that correct?

A. Off the top of my head, I don't have such recollection. Certainly, the substance and the main essence of it is to use it for display purposes, but if he made reference to using it as a -- for control purposes, I don't have specific recollection of that.

Q. You said here and you declared under oath that, in your opinion, he does not teach any use of said weather information except for display purposes; is that correct?

A. Yes.

Q. So you reviewed the entirety of the Rosen reference, and you then concluded in your opinion, that he does not teach any use of said weather information except for display purposes; is that correct?

A. That is correct.

Q. Are you confident about that statement?

A. I certainly acknowledge my fallibility, but, as I said, in terms of the essence of what he

1 J. Palmer

2 teaches, he teaches for display purposes. If
3 there's some specific reference in there that I
4 overlooked, again, I'd be happy to review it. And
5 as always, if I become aware of information that I
6 was not previously aware of, I will adjust my
7 opinion accordingly.

8 Q. And so if you could please turn to
9 paragraph 46 of your declaration.

10 And here you're talking about the
11 Van Ostrand reference. And again, you have that in
12 front of you in the chat as well?

13 A. (Witness complies.)

14 Q. Do you see that?

15 A. Yes.

16 Q. And here in paragraph 46, in the last
17 sentence of the paragraph, you state: "There is no
18 teaching in Van Ostrand that suggests or implies
19 applicability to any HVAC system that does not
20 consist of multiple stages."

21 Do you see that?

22 A. I do.

23 Q. And you've reviewed the Van Ostrand
24 reference in detail; is that correct?

25 A. I have.

J. Palmer

Q. In your opinion, does the phrase "any number of stages" include a single stage?

A. I would have to look at it in context.

Q. So you can't say without looking at it in context whether the phrase "any number of stages" would include one stage because one is any number?

A. Well, by strict interpretation, it could mean zero; it could mean one; it could mean 5,264. But out of context, it is -- you know, interpreting that phrase is not possible without context.

Q. But do you agree that, as you said, in strict interpretation, "any number of stages" could mean zero or one stage?

A. In principle.

Q. Does a thermostat require an outside temperature sensor to perform its function?

A. It depends on the thermostat.

Q. Generally, can you have a thermostat that functions as a thermostat without an outside temperature sensor?

A. Absolutely.

Q. And so there are thermostats that do not require an outside temperature sensor to perform their function as a thermostat; is that correct?

1 J. Palmer

2 A. Of course.

3 Q. Now, switching gears -- sorry. I think
4 I've been switching gears a lot here.

5 But switching gears to talk about the
6 Hildebrand reference, which, I believe you also have
7 in front of you if you need it. That would be
8 Exhibit 1004.

9 I'll give you a second to get that in
10 front of you.

11 A. I've got it.

12 Q. Great.

13 So are -- would you say that you're
14 generally familiar with the Hildebrand reference?

15 A. I would say I'm generally familiar with
16 the Hildebrand reference.

17 Q. Do you agree that Hildebrand stores a
18 temperature value in its memory 10?

19 A. Hildebrand does take temperature
20 measurements and stores the current temperature
21 measurement in its memory 10.

22 Q. Do you recall offering, in the ITC
23 investigation 1185 -- are you familiar with that
24 matter?

25 A. I do recall having some interaction in

1 J. Palmer

2 that -- in that matter. It's been a few years, so I
3 don't have any specific recollection. But something
4 tells me you're going to refresh my memory.

5 Q. Well, you have to let me know how much I
6 need to refresh, but you did offer opinions in the
7 ITC investigation 1185 on behalf of EcoFactor; is
8 that correct?

9 A. I believe so, yes.

10 Q. And do you recall offering any opinion in
11 that matter regarding Hildebrand's disclosures?

12 A. I don't have any specific recollection of
13 that.

14 Q. So you didn't review any of the opinions
15 that you offered in that matter regarding
16 Hildebrand's disclosures in advance of preparing
17 your declaration in this matter; is that correct?

18 A. That is correct.

19 Q. And do you recall whether or not you
20 offered an opinion in that matter regarding whether
21 Hildebrand discloses the claim language "one or more
22 databases that store at least said temperature
23 measurements obtained from said first structure over
24 time"?

25 A. I don't have a recollection of that.

1 J. Palmer

2 Q. What does it mean for data to be stored in
3 a table structure?

4 A. It just means that it has a -- an
5 organizational format of rows and columns that could
6 be referenced so that they -- an element of a
7 particular row can be determined based on what
8 column it is.

9 Q. So in your opinion, is data which is
10 stored in a table structure organized?

11 A. I would say that, in general, there is
12 some organization, if it's organized in a tabular
13 format.

14 Q. What does it mean for stored data to be
15 indexed in memory?

16 A. It's a similar concept, that the point of
17 reference or a group of data is associated with a
18 particular element of that data and sequenced by
19 that data.

20 Q. And is data which is stored in an index
21 form organized, in your opinion?

22 A. I would say that generally it would be.

23 Q. Is it your opinion that an indoor
24 temperature sensor must be located inside a
25 thermostat for that thermostat to be a programmable

1 J. Palmer

2 thermostat?

3 A. Can you ask that question again?

4 Q. Sure. So my question is about what you
5 would consider to be a programmable thermostat.

6 And, specifically, my question is, is it
7 your opinion that an indoor temperature sensor must
8 be located inside a thermostat for that thermostat
9 to be a programmable thermostat?

10 A. I don't think it's necessarily a
11 requirement that -- you know, that a programmable
12 thermostat cannot rely on an external temperature
13 sensor or a sensor that is external to the
14 thermostat itself, although all of the programmable
15 thermostats of which I'm aware have an internal
16 temperature sensor.

17 Q. But in your opinion, if there were a
18 thermostat that relied on a temperature sensor that
19 was external to the thermostat itself, it could
20 still qualify as a programmable thermostat; is that
21 correct?

22 A. Speaking blindly without an example to
23 look at, in principle, I concur.

24 Q. Specifically, that wouldn't preclude it,
25 in your opinion, from being a programmable

1 J. Palmer

2 thermostat?

3 A. That is correct.

4 Q. Do you agree that programmable
5 communicating thermostats were well-known as of the
6 relevant time in 2007?

7 MR. LINK: Objection, vague.

8 MS. LAUGHTON: I think I know maybe why I
9 got -- sorry.

10 No, go ahead and answer, and then I'll try
11 again.

12 A. I was going to say, I would say that
13 programmable thermostats were well-known, and I
14 would say that communicating programmable
15 thermostats were in existence. But I don't know
16 that I would describe them as well-known at that
17 point in time.

18 BY MS. LAUGHTON:

19 Q. To be clear, what is a communicating
20 programmable thermostat?

21 A. The under- -- the understanding I have,
22 "communicating programmable thermostat" is referring
23 to a programmable thermostat that has internal
24 elements that are capable of communicating either
25 via wireless or hard-wired communication signals.

1 J. Palmer

2 Q. And so in your opinion, you can't state
3 whether programmable communicating thermostats were
4 well-known in 2007; is that correct?

5 A. I would say that they were in existence,
6 but I wouldn't describe them as well-known.

7 Q. If I could please direct you to
8 paragraph 109 of your declaration.

9 A. (Witness complies.)

10 Q. Let me know when you get there.

11 A. Okay. I'm there.

12 Q. And here, you're talking about the Spalink
13 reference; is that correct?

14 A. Yes.

15 Q. And if you could take a moment to read
16 paragraph 109 to yourself. And feel free to read
17 anything else for context you need here, just to
18 orient yourself.

19 A. (Witness reviews document.)

20 Okay.

21 Q. Okay. Do you see here that you state, in
22 the second sentence of paragraph 109, "But the
23 building system in Spalink is a closed system"?

24 Do you see that?

25 A. Yes.

1 J. Palmer

2 Q. What do you mean by a "closed system"?

3 A. That it's not -- that all of the elements
4 are all tied together without an interface with,
5 say, the Worldwide Web or Internet or some similar
6 outside resource.

7 Q. Do you agree that Spalink discloses a
8 connection to the Internet?

9 A. I do -- as my statement says, the only
10 disclosure in Spalink is of a connection to the
11 Internet or -- the only disclosure in Spalink of a
12 connection to the Internet or any other type of
13 network, external or otherwise, is simply to connect
14 the -- or, is to connect the various buildings to
15 the central processor/controller 205.

16 Q. So you do agree that Spalink discloses a
17 connection to the Internet?

18 A. I don't have a specific recollection of
19 that, but I can double-check that.

20 Q. Sure. I think you have Spalink in front
21 of you.

22 A. I do. Yes.

23 Q. Sorry. Is that "yes" in response to my
24 question or that you have it -- you found it?

25 Maybe I can just rephrase my question.

1 J. Palmer

2 So do you agree that Spalink discloses a
3 connection to the Internet?

4 A. I do agree.

5 Q. And here, in your declaration, you cite
6 figure 2 of Spalink; is that correct?

7 A. I do.

8 Q. And do you see there, kind of at the
9 bottom of figure 2 of Spalink, there is a reference
10 to "remote location 230"?

11 A. Yes.

12 Q. What is remote location 230 in Spalink?

13 A. It looks like remote location 230 is a
14 remote interface for a user to interact with the
15 control system.

16 Q. And do you agree that this system can
17 receive a request from a user, using remote location
18 230 in Spalink?

19 A. Yes.

20 Q. What is element 235 in Spalink?

21 You see that's also present there in
22 figure 2?

23 A. I do. It's a wireless communication
24 mechanism.

25 Q. What is IP-protocol-enabled communication?

1 J. Palmer

2 A. It's an Internet communication protocol.

3 Q. So in your opinion, if a communication is
4 done via IP-protocol-enabled communication, is that
5 communication over the Internet?

6 A. Not necessarily. You can use the same
7 protocol for intranet communication.

8 Q. Are IP-protocol-enabled communications
9 performed over the Internet?

10 A. Yes.

11 MS. LAUGHTON: I think we can go off the
12 record, please.

13 (At 1:39 p.m. a recess was taken.)

14 (At 1:45 p.m. the deposition resumes.)

15 MS. LAUGHTON: All right. I have no
16 further questions.

17 MR. LINK: I just had one question for
18 Dr. Palmer.

19 EXAMINATION

20 BY MR. LINK:

21 Q. Dr. Palmer, in looking at your report and
22 preparing for this deposition, did you find any
23 errors that you wanted to correct for the record?

24 A. I did notice a couple of errors in --
25 specifically in the discussion on legal terminology,

1 J. Palmer

2 specifically under "obviousness." This will be on
3 page 11 in paragraph 18.

4 The statement "Obviousness may be found
5 where there is clear and convincing evidence that
6 the differences between the subject matter sought"
7 -- et cetera -- that should be corrected to "where
8 there is a preponderance of evidence."

9 Now, ultimately, that didn't affect my
10 analysis because I did my analysis based on the
11 preponderance of the evidence, but I just wanted to
12 clear up that -- that little point of confusion.

13 And then one other point that I noticed,
14 in terms of a typographical error, was at the end of
15 paragraph 29, the top of page 18, the "I've
16 interpreted all claim terms based upon their plain
17 and ordinary meaning as they would have been
18 understood by a POSITA, as of the effective filing
19 date, in the context of the" -- and that should be
20 the "'567" patent, rather than the "'983" patent.

21 MR. LINK: Thank you, Dr. Palmer. I don't
22 have any other questions.

23 MS. LAUGHTON: I have no further
24 questions.

25 MR. LINK: We can go off the record.

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MS. LAUGHTON: Yeah.

THE COURT REPORTER: Your orders, Counsel?

MR. LINK: I just want standard order,
please.

MS. LAUGHTON: Our order is already on
file with TSG.

(Time noted: 1:48 p.m.)

JOHN A. PALMER, Ph.D.

Subscribed and sworn to
before me this day
of 2022.

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I N D E X

Examination of:

Page

John A. Palmer, Ph.D.

C O N T E N T S

MS. LAUGHTON	5
MR. LINK	28

E X H I B I T S

(Retained by the court reporter)

DEPOSITION	EXHIBIT	PAGE
	Exhibit 1001 Document	4
	Exhibit 2002 Declaration Of John A. Palmer, Ph.D.	4
	Exhibit 1004 U.S. Patent No. 5,729,474	5
	Exhibit 1007 U.S. Patent Application Publication No. US 2005/ 0159846 A1	5
	Exhibit 1008 U.S. Patent Application Publication No. US 2006/0111816 A1	5
	Exhibit 1009 U.S. Patent No. 6,789,739 B2	5

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3 CERTIFICATE
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5 STATE OF NEW YORK)

6 : SS

7 I, Angela M. Shaw-Crockett, a Certified Court
8 Reporter, Registered Merit Reporter and Notary Public within
9 and for the States of New York, New Jersey and Connecticut,
10 do hereby certify:11 That JOHN A. PALMER, Ph.D., the witness whose
12 deposition is herein before set forth, was duly sworn by me
13 and that such deposition is a true record of the testimony
14 given by such witness.15 I further certify that I am not related to any of
16 the parties to this action by blood or marriage and that I
17 am in no way interested in the outcome of this matter.18 In witness whereof, I have hereunto set my hand
19 this 15th day of June, 2022.20 *Angela Shaw-Crockett*
21 -----22 ANGELA M. SHAW-CROCKETT, CCR, CRR, RMR, CSR
23 LICENSE NO. XI00218400
24
25

ERRATA SHEET

1

2 Case Name:

3 Deposition Date:

4 Deponent:

5 Pg. No. Now Reads Should Read Reason

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Signature of Deponent

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22 SUBSCRIBED AND SWORN BEFORE ME

23 THIS _____ DAY OF _____, 2022.

24 _____

25 (Notary Public) MY COMMISSION EXPIRES: _____