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# Transcript of Vernon Kasdorf

**Date:** March 29, 2024

**Case:** Crusoe Energy Systems, LLC -v- Upstream Data Inc.

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 CRUSOE ENERGY SYSTEMS, LLC

4 Petitioner

5 v.

6 UPSTREAM DATA INC.

7 Patent Owner

8  
9 Case PGR2023-00039

10 Patent No. 11,574,372

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12  
13  
14 REMOTE DEPOSITION OF

15 VERNON KASDORF

16 FRIDAY, MARCH 29, 2024

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24 REPORTED BY MARK SCHWEITZER

25 CSR #10514, RPR, CRR

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Deposition of  
Vernon Kasdorf, held remotely:

Pursuant to Notice, before Mark Schweitzer,  
Registered Professional Reporter, Certified Realtime  
Reporter, and Certified Shorthand Reporter No. 10514  
in and for the State of California.

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A P P E A R A N C E S

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I N D E X

March 29, 2024

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1 P R O C E E D I N G S

2 \* \* \* \*

3 THE REPORTER: Would you please raise your  
4 right hand.

5

6 VERNON KASDORF, SWORN

7

8 THE REPORTER: Thank you very much.  
9 Counsel?

10

11 EXAMINATION

12 BY MR. ZOLOTOREV:

13 Q. Good morning, Mr. Kasdorf.

14 A. Good morning.

15 Q. Could you please state your full name and  
16 address for the record.

17 A. Sure. Full name is Vernon Arthur Kasdorf.  
18 I'm at 2870 Thorncliff Drive, in North Vancouver V7R  
19 2S8.

20 Q. And is that your current home address?

21 A. Yes, it is.

22 Q. And, Mr. Kasdorf, have you been deposed  
23 before?

24 A. I have not.

25 Q. Aside from being deposed, have you

1 otherwise testified in any kind of a court or  
2 administrative proceeding before?

3 A. Administrative, no. I've -- I've been in a  
4 family court before.

5 Q. And so you testified in a -- in a family  
6 court before?

7 A. Yes.

8 Q. What was the general -- without going into  
9 detail, but what was the general substance of your  
10 testimony?

11 A. General substance was -- was responding to  
12 applications from my ex-wife.

13 Q. So the context was a divorce proceeding; is  
14 that correct?

15 A. It was post divorce, but yeah.

16 Q. Okay. And when was that?

17 A. That was from 2017 till about 2021.

18 Q. Were you deposed for any of those  
19 proceedings?

20 A. No.

21 Q. Okay. Well, since you haven't been deposed  
22 before, I'd like to just briefly go over some of the  
23 deposition basics which you've probably covered with  
24 your counsel here.

25 So you understand that you are under oath

1 today?

2 A. I do.

3 Q. And you understand that being under oath in  
4 a deposition means it's like being under oath and  
5 testifying in a courtroom?

6 A. I do.

7 Q. You understand that today I'll be asking  
8 you questions, and you'll be providing answers?

9 A. Yes, I do.

10 Q. And it's important that you and I try to  
11 not talk over each other. In other words, if I ask a  
12 question and you think you know the answer even  
13 before I finish, it's still important to let me  
14 finish my question so that the court reporter can  
15 take down the testimony. Does that make sense?

16 A. It does.

17 Q. You understand that counsel for petitioner  
18 may object to some of my questions from time to time  
19 today but that you are still to provide an answer  
20 unless instructed not to do so?

21 A. I do.

22 Q. Is there any reason today why you can't  
23 provide your full, complete, and truthful testimony?

24 A. No.

25 Q. And you understand that you are here

1     testifying as an expert witness on behalf of the  
2     petitioner in this case?

3             A.     Yes.

4             Q.     And you are testifying with regard to some  
5     declarations that you've provided.  You understand  
6     that?

7             A.     A declaration, yes.

8             Q.     And do you understand that -- well, let me  
9     ask it differently.

10            Let's go ahead and mark as an exhibit --  
11     this will be -- one second.  Yeah, if I can have you  
12     open Exhibit 1004.

13            (Exhibit 1004 for identification.)

14            MR. ZOLOTOREV:  Let's go ahead and formally  
15     introduce it as Exhibit 1004.

16            Q.     Mr. Kasdorf, if you have -- once you have  
17     that open, can you let me know.

18            A.     It's open.

19            Q.     Okay.  Exhibit 1004, you understand that to  
20     be the declaration that you provided with regard to  
21     your opinions in PGR2023-0039?

22            A.     Yes.

23            Q.     And you understand you are testifying today  
24     with regard to this declaration that's Exhibit 4?

25            A.     I do.

1 Q. The declaration that is Exhibit 1004, did  
2 you prepare that declaration yourself?

3 A. I did.

4 Q. Did anybody assist you?

5 A. I worked with my attorney, Jay Zhu, to  
6 prepare. We -- I wrote the words, some of them. He  
7 wrote some of them. Typed them out. But we prepared  
8 it together.

9 Q. Okay. What was Mr. Zhu's role in  
10 preparation of the declaration?

11 A. We discussed my declaration. I gave him  
12 some information. He typed some of it out. I typed  
13 some of it out. We worked together on a draft.

14 Q. Did Mr. Zhu make any suggestions with  
15 regard to the substance of your opinions --

16 MR. ZHU: Objection. Privileged  
17 information.

18 Mr. Kasdorf, to the extent it doesn't  
19 disclose privileged information, please answer that  
20 question.

21 THE WITNESS: Please repeat the question.

22 Q. BY MR. ZOLOTOREV: Sure. Did Mr. Zhu make  
23 any suggestions with regard to the substance of you  
24 are opinions in this declaration?

25 A. He made suggestions as to the structure.

1 The substance was -- was my opinion.

2 Q. What do you mean by "structure"?

3 MR. ZHU: Object.

4 To the extent it doesn't disclose  
5 privileged information, you may answer.

6 THE WITNESS: This was my first  
7 declaration. So I wasn't sure what format it needed  
8 to be in.

9 Q. BY MR. ZOLOTOREV: The declaration that's  
10 in front of you is Exhibit 1004. Does that contain  
11 the entirety of your opinions?

12 A. What do you mean by entirety?

13 Q. There's some opinions with regard to the  
14 validity of the '372 patent that are not in this  
15 declaration that you have.

16 A. I would say this would be my entirety.

17 Q. Okay. So the declaration that's  
18 Exhibit 1004 contains the entirety of your opinions  
19 with regard to the validity of the '372 patent,  
20 correct?

21 MR. ZHU: Objection. Vague.

22 THE WITNESS: Would you like to  
23 re-answer -- ask that question?

24 MR. ZOLOTOREV: Well, can we have the court  
25 reporter read the question back to the witness,

1 please.

2 (Record read.)

3 THE WITNESS: I guess entirety is a -- is a  
4 little bit ambiguous. Are you asking whether I've  
5 had any opinions since I've written the declaration  
6 or up until I wrote the declaration?

7 Q. BY MR. ZOLOTOREV: Are there any opinions  
8 regarding the '372 patent validity that are not in  
9 this declaration that's Exhibit 1004?

10 A. Up until I wrote this declaration, this  
11 would have been the entirety of my opinions.

12 Q. And since you wrote that declaration, have  
13 you formed further opinions regarding the validity of  
14 the '372 patent that are not captured in that  
15 declaration?

16 A. Any of the preparation that I've done up  
17 until now has just reinforced the obviousness in my  
18 mind.

19 Q. Are there any opinions about the references  
20 and the grounds that you discussed in Exhibit 1004  
21 that are not captured in this declaration?

22 A. No.

23 Q. Mr. Kasdorf, do you understand the concept  
24 of a person of ordinary skill in the art?

25 A. I do.

1 Q. What is your understanding?

2 A. Let me read the definition from my  
3 declaration. If you want to look at Paragraph 16, my  
4 opinion of person of ordinary skill in the art of the  
5 '372 patent would have a degree in chemical  
6 engineering, petroleum engineering, process  
7 engineering, mechanical engineering or similar field,  
8 with one to two years of experience in designing  
9 power generation systems, Bitcoin mining systems, or  
10 comparable hands-on experience.

11 Alternatively, a person having  
12 three-to-five years of experience in Bitcoin mining  
13 industry would also qualify as a POSITA. Additional  
14 education can substitute for professional experience  
15 or vice versa.

16 Q. Mr. Kasdorf, do you have a degree?

17 A. I do have a degree.

18 Q. What is your degree in?

19 A. My degree is in business.

20 Q. And when did you receive your degree?

21 A. 1991.

22 Q. What university or college did you receive  
23 the degree from?

24 A. I attended Trinity Western University in  
25 Langley, British Columbia.

1 Q. And the degree that you have in business,  
2 is that a Bachelor's degree or -- or another degree?

3 A. It's a Bachelor's degree.

4 Q. So aside from the degree in business, you  
5 don't have any other degrees; is that correct?

6 A. That's correct.

7 Q. Now, you consider yourself to be a person  
8 of skill in the art at the time of the '372 patent  
9 invention in 2017, correct?

10 A. Correct.

11 Q. Now, if you look at Paragraph 2 of your  
12 declaration, that's Exhibit 1004, you indicate that  
13 you are relying on Mr. Nikolaou's declaration from  
14 matters relating to oil and gas; is that correct?

15 A. That is correct.

16 Q. So as a person of ordinary skill in the art  
17 in 2017, you would agree that that person of ordinary  
18 skill had a limited knowledge of the oil and gas  
19 industry, correct?

20 A. I'm not an expert in the oil and gas  
21 industry. I did rely on Dr. Nikolaou for that  
22 portion.

23 Q. Okay. I'm asking you from the perspective  
24 of a person of ordinary skill in the art in 2017.  
25 You would agree that that person would have had a

1 limited understanding of the oil and gas industry  
2 just like yourself, right?

3 A. Not according to the definition. Go back  
4 to the definition. Would be somebody with chemical  
5 engineering, petroleum engineering, process  
6 engineering, mechanical engineering, they would have  
7 a fairly extensive knowledge of -- of the oil and gas  
8 industry.

9 Q. Okay. But you yourself do not have an  
10 extensive knowledge of the oil and gas industry,  
11 correct?

12 A. I don't have an extensive knowledge of the  
13 oil and gas industry.

14 Q. And you didn't have that knowledge in 2017,  
15 correct?

16 A. Correct.

17 Q. And so just from your knowledge of the  
18 Bitcoin mining industry in 2017 or before 2017, you  
19 would agree that persons of ordinary skill in that  
20 Bitcoin mining industry would have typically had  
21 limited knowledge of the oil and gas industry,  
22 correct?

23 A. Correct. I guess it depends on the person.  
24 There could be POSITAs that have knowledge in both  
25 areas, but I don't. I don't have an expertise in the

1 oil and gas.

2 Q. Looking back in time to 2017, before then,  
3 were you aware of any persons in the Bitcoin mining  
4 industry who had a good understanding of the gas and  
5 oil industry?

6 A. Well, if you -- if you're using the term,  
7 "good understanding," I was involved in the industry  
8 from an IT perspective. So I had an understanding of  
9 the ruggedness of the environment. And I had an  
10 understanding of locations where oil and gas might  
11 be. I was responsible for an IT team that was  
12 looking after oil and gas -- actually, it was a oil  
13 sands project. And throughout my career with -- with  
14 Acute Data, I was selling tier 3 ruggedized data  
15 centers into the oil and gas industry. So I spent a  
16 lot of time with oil and gas people.

17 Q. But despite spending that time with the oil  
18 and gas people, like you said, you don't consider  
19 yourself to have a good knowledge of the gas and oil  
20 industry, correct?

21 A. I don't consider myself a POSITA in the gas  
22 and oil industry.

23 Q. So as a POSITA in the Bitcoin mining  
24 industry, are you aware of any other persons of  
25 ordinary skill in the Bitcoin mining industry that

1 have -- that were also a POSITA in the gas and oil  
2 industry as of the time of the invention?

3 A. No. I'm not aware.

4 Q. And you understand Dr. Nikolaou to be a  
5 POSITA in the oil and gas industry, correct?

6 A. Correct.

7 Q. And are you aware of whether or not  
8 Dr. Nikolaou's a POSITA in the Bitcoin mining  
9 industry as of the time of the '372 patent invention?

10 A. I'm not aware that he is or was.

11 Q. As of the time of the '372 patent  
12 invention, are you aware of any POSITAs who were both  
13 a POSITA in the Bitcoin mining industry and a POSITA  
14 in the gas and oil industry?

15 A. No.

16 Q. And why do you think that is, that at that  
17 time there were folks who were POSITAs in the Bitcoin  
18 mining industry but -- but were not POSITAs in the  
19 gas and oil industry and vice versa?

20 MR. ZHU: Objection. Calls for  
21 speculation.

22 THE WITNESS: Sorry, I don't -- I'd like to  
23 ask for direction here.

24 Jay, do I still answer the question?

25 MR. ZHU: Yes, please answer.

1 THE WITNESS: I don't know why I wasn't  
2 aware. That doesn't mean they didn't exist. I just  
3 wasn't aware.

4 Q. BY MR. ZOLOTOREV: So you would agree that  
5 as of 2017, a person of ordinary skill dealing with  
6 the crypto mining industry would have had limited  
7 knowledge of the oil and gas industry, correct?

8 MR. ZHU: Objection. Vague.

9 THE WITNESS: I never pursued the depth of  
10 knowledge of my clients in the oil and gas industry  
11 because we only discussed -- we only discussed the  
12 Bitcoin miners, the CryptoKubes that I built. But in  
13 the -- in the period of selling the CryptoKube, I  
14 spoke with multiple clients who -- who wanted to  
15 place my CryptoKube on a natural gas generator that  
16 was attached to flare gas. This was in -- between  
17 2014 and 2016. But I've never pursued the depth of  
18 their knowledge in oil and gas.

19 Q. BY MR. ZOLOTOREV: And so approximately how  
20 many CryptoKubes did your company sell through the  
21 end of 2017?

22 A. Through the end of 2017? End of 2017, it  
23 was probably three.

24 Q. And were any of those three, to your  
25 knowledge, ever combined with a flare gas powered

1 generator?

2 A. Those three were not, no.

3 Q. And so you say that you had -- from 2014 to  
4 2016 or thereabouts, you had some discussions about  
5 connecting the CryptoKube to a flare gas power  
6 generator; is that correct?

7 A. It is correct, yes.

8 Q. You did not mention any of these  
9 discussions in your declaration. True?

10 A. It's true. I didn't have any email  
11 evidence of that. We've had a lot of discussion over  
12 the phone, and we decided not to put that into my  
13 declaration because I didn't have the email record.

14 Q. And to your knowledge, did the discussions  
15 that you had from 2014 to 2016 regarding connecting a  
16 CryptoKube to a flare gas power generator, who were  
17 those discussions with?

18 A. I don't recall the name of the companies  
19 because I had discussions -- that's almost 10 years  
20 ago now -- over the phone, and they didn't result in  
21 a sale. So there wasn't a recorded -- there wasn't a  
22 recorded quote that I sent out. I sent out many,  
23 many quotes, and there wasn't a recorded email  
24 transaction with them. So I don't remember the name  
25 of the company. Or companies.

1           Q.    So to your knowledge, none of those  
2 prospective customers of CryptoKube connected a  
3 CryptoKube to a flare gas power generator as of 2017,  
4 correct?

5           A.    They did not connect a CryptoKube to their  
6 flare gas powered generator. There were other --  
7 other miners in -- mining data centers in -- in the  
8 industry at the time. I'm not aware if they followed  
9 through with them. They didn't follow through with  
10 me.

11          Q.    Now, when did you sell the last CryptoKube?

12          A.    The last CryptoKube I probably sold in  
13 2018.

14          Q.    And so how many CryptoKubes total did you  
15 sell?

16          A.    That would have been four.

17          Q.    It's fair to say that you're not aware of  
18 any of those four being ever connected to a flare gas  
19 power generator, correct?

20          A.    Correct.

21          Q.    And you don't know why that is, correct?

22          A.    I don't know why that is.

23          Q.    And the declaration that's Exhibit 1004,  
24 you don't provide any examples of anyone installing a  
25 cryptocurrency miner connected to a flare gas

1 generator on or before the '372 patents priority  
2 date, correct?

3 A. There's no -- I've not provided any  
4 examples of -- of actually doing that, no.

5 Q. And it's fair to say you're not aware of  
6 any such examples, correct?

7 A. Correct.

8 Q. And it's fair to say that as of 2017, you  
9 kept yourself informed of the latest developments in  
10 the art, correct?

11 MR. ZHU: Objection. Vague.

12 THE WITNESS: What were the latest -- what  
13 do you mean by the latest developments?

14 Q. BY MR. ZOLOTOREV: Just anything that was  
15 interesting and new happening in the art, you were  
16 keeping yourself -- or you tried to keep yourself  
17 aware of those developments?

18 A. Yes, I did.

19 Q. Now, when did you first become aware of a  
20 crypto miner being connected to a flare gas power  
21 generator?

22 A. The first time that I became aware of that  
23 concept was in 2014 when I spoke with an individual  
24 from a company that said they had access to flare  
25 gas. I had never heard of flare gas at that point.

1 He explained to me that flare gas was -- was gas that  
2 was being unused in the process of -- of oil and gas  
3 mining -- oil and gas pumping, and that it was just  
4 burned and wasted. He said it was gas that he had  
5 access to, and his concept was to put a generator on  
6 that flow of natural gas, and he wanted to put a  
7 ruggedized data center attached to that generator,  
8 and he said, There is no other power. That's the  
9 only power that there will be. And so we had some  
10 discussions about environment, all the things that --  
11 that I normally have with -- with anyone who is  
12 buying a CryptoKube.

13 Q. Okay. Who was this person?

14 A. Again, as I testified earlier, I don't  
15 remember the name of the person or the company name.  
16 This is about 10 years ago.

17 Q. And again, to your knowledge, that person  
18 never did, in fact, connect a CryptoKube or another  
19 miner to a flare gas power generator in that time  
20 frame, correct?

21 A. To my knowledge, we stopped talking. So I  
22 don't know what he did moving forward. But he did  
23 not connect the CryptoKube.

24 Q. And you don't have any awareness of why  
25 that person decided not to connect the CryptoKube to

1 a flare gas power generator, correct?

2 A. Correct, I have no knowledge why.

3 Q. And so just getting back to my question,  
4 when did you first become aware of somebody actually  
5 connecting a crypto miner to a flare gas power  
6 generator?

7 A. I'm not aware of anybody connecting to a  
8 flare gas power generator.

9 Q. So to this day, you're not aware of anyone  
10 connecting a crypto miner to a flare gas power  
11 generator, correct?

12 A. Correct.

13 Q. Now, for this case, you've been engaged by  
14 a company called Crusoe Energy Systems, correct?

15 A. Correct.

16 Q. Are you aware of what Crusoe Energy Systems  
17 does?

18 A. In a general sense, yes. They are in the  
19 oil and gas industry.

20 Q. Do you understand that Crusoe Energy  
21 Systems purports to connect data centers to flare gas  
22 power generators?

23 A. I'm aware that they purport that, yes.  
24 I've never seen one.

25 Q. And so in answering my previous question,

1 were you limiting your knowledge to having actually  
2 seen a crypto miner connected to a flare gas power  
3 generator?

4 A. Would you clarify the question? Sorry.

5 Q. Yeah, let me just reask my previous  
6 question, maybe I can make it clearer.

7 Did you ever become aware at any time of --  
8 through reading or watching a YouTube video or any  
9 other means of anyone actually connecting a crypto  
10 miner to a flare gas power generator, to this day?

11 A. No.

12 Q. Up through 2017, how long was your history  
13 of engagement with the crypto mining industry?

14 A. To 2017, I essentially started the vertical  
15 of CryptoKube in 2014. So approximately three years.

16 Q. And as of 2017, you would have considered  
17 yourself to be fairly knowledgeable about the state  
18 of the Bitcoin mining industry?

19 A. Yes.

20 Q. And as of 2017, you would have considered  
21 yourself to be a fairly representative person of  
22 ordinary skill in the art, correct?

23 A. Correct.

24 MR. ZHU: Objection. Vague.

25 MR. ZOLOTOREV: Let's go ahead and open and

1 mark for the record Exhibit 1006.

2 (Exhibit 1006 for identification.)

3 Q. BY MR. ZOLOTOREV: Mr. Kasdorf, please let  
4 me know when you have that open.

5 A. It's open.

6 Q. Okay. Great. Exhibit 1006 is a document  
7 describing CryptoKube, correct?

8 A. Correct. Two -- two of our models of  
9 CryptoKube.

10 Q. Okay. And the one model is called the  
11 Launch 200, and the other is called the Launch 400;  
12 is that correct?

13 A. That is correct.

14 Q. Other than these two models, were there  
15 other models of CryptoKube that you offered for sale?

16 A. There were.

17 Q. What were those other models?

18 A. These would be considered the generation 1  
19 models. We had a Generation 2 and a Generation 3  
20 model. So the Generation 2 model was just larger.  
21 Generation 3 was a -- was a much more dense unit.

22 Q. Okay. And so when earlier we were  
23 discussing your selling a total of four CryptoKubes,  
24 was that a total of four across all of the  
25 generations?

1           A.    That was across the first two generations.  
2    We built a prototype of Generation 3.  We put it --  
3    we were -- we had it up for sale.  We never sold a  
4    Generation 3.

5           Q.    Now, just to orient ourselves in this  
6    document -- well, first of all, is this document  
7    from -- well, let ask an open-ended question.

8                   Where is this document from?

9           A.    I'm not sure I understand.  This document  
10   was on our website.  It was developed by KubeData to  
11   market the CryptoKube.

12          Q.    And if we look on the front page on the --  
13   with regard to the Launch 200 model CryptoKube, the  
14   CryptoKube is shown in the two photographs on the  
15   right-hand side; is that correct?

16          A.    Correct.

17          Q.    And for this model, the text states that it  
18   could handle up to 17 Spondoolies-Tech SP35 mining  
19   servers; is that correct?

20          A.    Correct.

21          Q.    And I'll just spell that in case our court  
22   reporter needs that.  It's S-P-O-N-D-O-O-L-I-E.

23                   And then on the next page, where it's  
24   discussing the Launch 400 model, that could handle up  
25   to 36 of the Spondoolie-Tech -- SP35 mining servers,

1 right?

2 A. Correct.

3 Q. Now, these Spondoolies-Tech SP35's were  
4 what are known as ASIC mining servers; is that  
5 correct?

6 A. That's correct.

7 Q. And so they used specialized ASIC  
8 integrated circuits for mining cryptocurrency,  
9 correct?

10 A. Correct.

11 Q. Now, do you know what the cost of a Launch  
12 200 was to a customer?

13 A. Yeah. Without any -- without any servers  
14 in, the Launch 200 we were selling for 29,900 U.S.

15 Q. Okay. And so that's as indicated on the  
16 front page of Exhibit 1006?

17 A. Correct.

18 Q. Okay. In terms of how -- well, did you  
19 sell any Launch 200's?

20 A. We sold two Launch 200's.

21 Q. And were they sold without the  
22 Spondoolies-Tech SP35 servers in them?

23 A. One was sold without any servers. One was  
24 sold with some servers.

25 Q. The one that was sold with the servers, do

1     you recall how many servers there were in that when  
2     you sold it?

3           A.    I'd have to look back at the video because  
4     it shows all the servers in the video. But I would  
5     say approximately 12. So the -- the one with the  
6     servers in it was the one that was sold in the video.

7           Q.    And do you recall what the cost of each of  
8     these Spondoolies-Tech SP35 mining servers was to a  
9     customer?

10          A.    I don't remember specifically. But if you  
11     want me to give you an approximate number, those 12  
12     servers cost approximately \$60,000. So approximately  
13     \$5,000 apiece.

14          Q.    Okay. So the total cost of that Launch 200  
15     CryptoKube would have included the \$60,000 for the  
16     servers and the \$29,900 for the CryptoKube enclosure  
17     itself, correct?

18          A.    That sale included the -- included the  
19     servers. Those servers were not sold for \$60,000.  
20     They were sold for less.

21          Q.    Do you recall what the approximate sale  
22     value was for the servers as you sold them?

23          A.    I don't.

24          Q.    Do you recall what the approximate all-in  
25     price to the customer was for this Launch 200 that

1 had the servers in it?

2 A. I -- I don't recall the -- the price of  
3 that, no.

4 Q. Well, is it fair to say that it was more  
5 than \$29,900 that's listed -- that's listed in  
6 Exhibit 1006 for a MT CryptoKube?

7 A. Well, not for an MT CryptoKube. 29,900 for  
8 an empty CryptoKube. The one I sold with the 12  
9 Spondoolies in it -- approximately 12 Spondoolies in  
10 it -- was more than 29,900.

11 Q. Do you recall approximately how much more?

12 A. I -- I don't recall. If you want me to --  
13 want me to give you an approximate guess, I would say  
14 it was approximately \$30,000. For the servers.

15 Q. So the total all-in price would have been  
16 approximately \$60,000; is that correct?

17 A. Approximately.

18 Q. Now, you would agree that to recoup this  
19 approximately \$60,000 investment, a POSITA would be  
20 incentivized to run that CryptoKube at full power  
21 24 hours a day, right?

22 MR. ZHU: Objection. Calls for  
23 speculation.

24 THE WITNESS: Yeah, it's very -- very  
25 dependent upon a number of factors. Dependent on

1 where they put the CryptoKube, the type of power they  
2 are connected to. The environment. Where that  
3 CryptoKube is placed.

4 Q. BY MR. ZOLOTOREV: But do you recall who  
5 bought that CryptoKube that had the 12 Spondoolies in  
6 it?

7 A. I don't recall his name, but yes, I -- I do  
8 recall the individual that bought that.

9 Q. And do you recall in what environment that  
10 CryptoKube was run in?

11 A. It was in rural Quebec. And that  
12 particular environment had an extensive hydroelectric  
13 power, but it was also very cold -- somewhat  
14 extremely cold area of Quebec. Lots of snow.

15 Q. And so to your knowledge, that CryptoKube  
16 was connected to hydroelectric power, correct?

17 A. Correct.

18 Q. And do you know how many hours a day  
19 approximately that CryptoKube was run?

20 A. I -- I do not. I was not involved in any  
21 of the management of that CryptoKube after I -- after  
22 I sold it.

23 Q. Looking again at the first page of  
24 Exhibit 1006, there's the mention here of mining with  
25 up to 72 kilowatts or around 17 Spondoolie SP35's.

1 Do you see that?

2 A. Yes.

3 Q. So if you have 17 Spondoolie servers in  
4 this CryptoKube, their rate of power would be around  
5 72 kilowatts; is that correct?

6 A. Correct. That was the maximum that  
7 CryptoKube would be able to manage.

8 Q. Okay. And for that purpose, it had a  
9 200-amp, 208-volt service?

10 A. Correct.

11 Q. And then on that page for the Launch 400,  
12 that -- that could mine at 144 kilowatts; is that  
13 right?

14 A. Correct.

15 Q. Did you sell any Launch 400 CryptoKubes?

16 A. We did not.

17 MR. ZOLOTOREV: We can go to Exhibit 1009.

18 MR. ZHU: You know, we've been going on for  
19 about an hour. Is it a good time for a break?

20 MR. ZOLOTOREV: Oh, yeah. Yeah, we can  
21 take a break. And I should -- I should have  
22 mentioned that as well, Mr. Kasdorf. Anytime that  
23 you need a break, you can just let me know and -- and  
24 we can have one. And we will try, and I'm sure that  
25 Jay is going to police us anyhow, but we're going try

1 to stick with this or one-hour increments. So at  
2 this time, we can go off the record, and we can  
3 reconvene in 10 minutes, approximately, if that's  
4 okay.

5 THE WITNESS: Okay. Thank you.

6 (Recess taken.)

7 Q. BY MR. ZOLOTOREV: Before we move on, there  
8 were a couple of questions I neglected to ask you  
9 before. Now, I understand that you are being  
10 compensated for your time spent on the declaration of  
11 this deposition; is that correct?

12 A. That's correct.

13 Q. And what is -- what is the compensation  
14 that you are receiving for the hourly --

15 A. Hourly rate is 350 an hour.

16 Q. Okay. And how many hours approximately  
17 have you spent so far?

18 A. I haven't added it up.

19 Q. And I know we talked about Crusoe Energy  
20 Systems a little bit before. But let me ask you  
21 specifically. Are you familiar with the -- with any  
22 employees or officers of Crusoe?

23 A. I am not.

24 Q. Have you ever met any Crusoe directors or  
25 officers or employees at, let's say, an event related

1 to crypto mining?

2 A. Not that I can recall.

3 Q. Okay. All right. So with that, let's turn  
4 to Exhibit 1009. Let me know when you have that  
5 open.

6 (Exhibit 1009 for identification.)

7 THE WITNESS: It's open.

8 Q. BY MR. ZOLOTOREV: Now, you've relied on --  
9 well, let me back up. Exhibit 1009 is a book by  
10 Mr. Szmigielski; is that correct?

11 A. Correct.

12 Q. And you've relied on this -- on this book  
13 by Mr. Szmigielski as providing the motivation of  
14 combined various references, correct?

15 A. Correct.

16 Q. Now, if we go to Page 88 -- and I'm using  
17 the page numbers that are at the very bottom of each  
18 page. If we go to page 88, let me know when you get  
19 there.

20 A. Yeah.

21 Q. And just to make sure that we're literally  
22 on the same page, does this page that you are looking  
23 at have a section of profitability of ASIC mining?

24 A. It does.

25 Q. Okay. Great. Did you review this section

1 in preparing your declaration?

2 A. I did.

3 Q. And so the ASIC mining that's being  
4 referred to here is mining with ASIC miners like the  
5 Spondoolies-Tech miners that we were talking about  
6 earlier, right?

7 A. Correct.

8 Q. And one of the things in the section here  
9 is a calculation. If you look at the last paragraph  
10 or the last two sentences on this page, the  
11 calculation involves mining over a 24-hour period,  
12 correct?

13 A. Correct.

14 Q. And so the potential reward from mining is  
15 maximized if mining occurs 24 hours a day, correct?

16 A. That's a correct statement.

17 Q. What's that? I'm sorry.

18 A. Yes, that's a correct statement.

19 Q. And so a person of skill in the art is  
20 incentivized to run the mining equipment 24 hours a  
21 day to maximize the potential reward, correct?

22 A. Correct.

23 Q. And the person of skill in the art is  
24 incentivized to run the mining equipment at the  
25 maximum possible hash rate, correct?

1 A. Correct.

2 Q. And that was the understanding of a person  
3 of skill in the art with regard to profitability of  
4 ASIC mining in 2017, correct?

5 A. Yes.

6 Q. Would you like the question read back?

7 A. Oh, I -- I answered. You might not have  
8 heard me. Yes, please.

9 Q. Yes.

10 MR. ZOLOTOREV: So we have a clear record,  
11 Mr. Court Reporter, if you can please read back the  
12 last question.

13 (Record read.)

14 Q. BY MR. ZOLOTOREV: Now, you would agree  
15 that as late as 2018, there was still an unmet need  
16 to combine electricity generated from flare gas with  
17 processing units to mine cryptocurrency.

18 MR. ZHU: Objection. Calls for legal  
19 conclusion.

20 THE WITNESS: I can't -- I can't say  
21 whether it was met or unmet. I was unaware of anyone  
22 doing it, but I don't know if that was met in 2017.

23 Q. BY MR. ZOLOTOREV: Okay. So as of 2017,  
24 you don't know whether or not there was an unmet need  
25 to combine electricity generated from flare gas with

1 processing units to mine cryptocurrency, correct?

2 A. I wasn't aware that the -- yeah. Please --  
3 sorry. Please repeat the question.

4 MR. ZOLOTOREV: Mr. Court Reporter, can we  
5 please have back the last question to the witness.

6 (Record read.)

7 THE WITNESS: I think that question is a  
8 little bit vague. Whether I knew that there was a  
9 need or whether I knew that the need was met?

10 Q. BY MR. ZOLOTOREV: Well, specifically you  
11 don't know whether as of 2017, there was still an  
12 unmet need to combine electricity generated from  
13 flare gas with processing units to mine  
14 cryptocurrency, correct?

15 MR. ZHU: Objection. Calls for a legal  
16 conclusion. Asked and answered.

17 THE WITNESS: Am I answering this again the  
18 same way?

19 Q. BY MR. ZOLOTOREV: Feel free to answer  
20 whichever way, sir.

21 A. I was unaware that the need -- need was  
22 met.

23 MR. ZOLOTOREV: If you can please open  
24 Exhibit 2002. And we'll go ahead and mark that for  
25 the record at this time.

1 (Exhibit 2002 for identification.)

2 Q. BY MR. ZOLOTOREV: Let me know when you've  
3 done so.

4 A. It's open.

5 Q. Exhibit 2002 is a copy of U.S. Patent  
6 10,862,307.

7 Do you see that?

8 A. I can see it.

9 Q. Have you ever seen this patent before?

10 A. I have seen the patent before. I haven't  
11 read the patent through.

12 Q. What was the context of you seeing this  
13 patent?

14 A. It was one of the documents that was  
15 included.

16 Q. Included in what?

17 A. The related documents.

18 Q. I'm sorry, related documents to what?

19 A. To the case.

20 Q. Did you review this document, the '307  
21 patent in preparation for your deposition today?

22 A. I did not review it fully.

23 Q. When was the last time you reviewed this  
24 document?

25 A. Back before July, 2023.

1           Q.    Thank you.  Do you recognize Exhibit 2002,  
2   the '307 patent as being assigned to Crusoe Energy  
3   Systems?

4           A.    Yes.

5           Q.    And so you understand that this patent is  
6   assigned to the petitioner in this proceeding,  
7   correct?

8           A.    Correct.

9           Q.    And do you see that on the front page of  
10   this document in the left-hand column under No. 60,  
11   there's a date of August 1, 2018, for the provisional  
12   application ending in '368?

13          A.    Application.  I see that.

14          Q.    So you understand that the date of the  
15   application in -- from which this patent issued the  
16   provisional application is August 1st, 2018, correct?

17          A.    Correct.

18          Q.    And that's after the filing date of the  
19   '372 patent, correct?

20          A.    The filing date of the '372 patent was in  
21   2017, correct.

22          Q.    Now, if I can draw your attention to --  
23   well, before I do that, let me ask you some  
24   foundation questions.

25                Mr. Kasdorf, do you have any patents of

1 your own?

2 A. I don't.

3 Q. Are you familiar, through perhaps working  
4 on this proceeding of the patent specification,  
5 what -- what "patent specification" means?

6 A. I don't -- I don't specifically know  
7 "specification." I've read through the patents, and  
8 I understood the content, the patents that -- the  
9 other patents in this related case. So I've read  
10 through all of those. I -- I don't know specifically  
11 the term "specification," what that refers to.

12 Q. And you understand that sometimes patents  
13 include a background section that may explain the  
14 current state of the art, right?

15 A. Right.

16 Q. And then there would be a summary section  
17 that sets forth the alleged improvement that the  
18 patent is making to the state of the art, right?

19 A. Correct.

20 Q. And so now if I could direct your attention  
21 to Page 9 of Exhibit 2002. The page numbers are at  
22 the bottom right corner of each page. If I can  
23 direct you to Page 9. Let me know when you get  
24 there.

25 A. I'm there. That's Column 1 and 2?

1           Q.    Yes, sir. Thank you. You see that at  
2 Columns 1 and 2, there is a background section  
3 followed by a summary section?

4           A.    I see that.

5           Q.    Okay. If I could direct your attention to  
6 Column 2, Line 35 through 42, 35 through 42. If you  
7 could read that to yourself first, and then let me  
8 know when you're done reading it. Thank you.

9           A.    I've read it.

10          Q.    Now, you understand that this section sets  
11 forth the problems that the patent identifies in the  
12 existing state of the art, right?

13          A.    Sets forth the need.

14          Q.    And so here the patent states that  
15 "Accordingly, there remains a need for systems and  
16 methods for generating electricity from natural gas  
17 produced from oil wells." Right?

18          A.    That's what it says on Line 35, correct.

19          Q.    And you agree that that was a correct  
20 statement as of 2018, right?

21          A.    I -- I can't agree to that because I don't  
22 know if anyone else had done this. I don't think  
23 Crusoe would have known either. I don't know.

24          Q.    So you don't know whether or not this is a  
25 correct statement as of 2018, right?

1           A.    I don't know if there remained a need  
2 because I was speaking with people in 2014 to 2016  
3 that -- that were very aware of the -- you know, all  
4 these combination of these technologies. I don't  
5 know if they actually completed that.

6           Q.    Okay. And just to be clear, you are not  
7 aware of anybody combining flare gas generated power  
8 with a crypto miner before 2018, correct?

9           A.    Correct. That's why I don't know if the  
10 need was met.

11          Q.    Okay. So you don't know whether or not  
12 there was a need for such systems as described here  
13 at Column 235, 42, right?

14          A.    Well, there was a need because people were  
15 talking to me about it. They don't know if the  
16 need's met.

17          Q.    You don't know whether or not that need was  
18 met, correct?

19          A.    Correct.

20          Q.    And so going to the next sentence, at  
21 Column 2, Lines 37 through 39, "It would be  
22 beneficial if such electricity could be produced and  
23 consumed on-site, for example, by using it to operate  
24 power-intensive modular processing units."

25                   Do you see that?

1           A.    I do see that.

2           Q.    You agree that that was a correct statement  
3 as of 2018, right?

4           A.    I agree.

5           Q.    And then going to the next sentence of  
6 Column 2, Line 39 through 42. "It would be further  
7 beneficial if such processing units could be employed  
8 to mine cryptocurrency or perform other distributed  
9 computing tasks to generate additional revenue."

10                  You see that?

11           A.    I do.

12           Q.    And you agree that this was a correct  
13 statement as of 2018, right?

14           A.    I agree that it would be further  
15 beneficial, yes.

16           Q.    And so you agree that there was a need as  
17 of 2018 to combine methods for generating electricity  
18 from natural gas produced from oil wells with  
19 processing units that could mine cryptocurrency,  
20 right?

21           A.    I agree that there was the need, yes. They  
22 were talking to me about it before 2017.

23           Q.    Then if we move on to the summary section.  
24 You can read to yourself the paragraph from Column  
25 246 to 55. And let me know when you've done so.

1           A.    I've read it.

2           Q.    Now, you would agree that this section  
3 proposes a solution to the need in the form of  
4 combining on-site power generation from flare gas and  
5 distributed computing units adapted to mine  
6 cryptocurrency, right?

7           A.    Not according to this sentence. This  
8 sentence says, "any number of on-site power  
9 generation modules." It doesn't say what it's power  
10 in this sentence.

11          Q.    And I'm sorry, which sentence are you  
12 referring to?

13          A.    "To convert raw natural gas into fuel gas  
14 stream that may be used to power any number of  
15 on-site power generation modules."

16          Q.    And you see that later on in that same  
17 paragraph, "The proposed solution is that the  
18 distributed competing units are adapted to mine  
19 cryptocurrency"?

20          A.    Okay. I thought I was reading the first  
21 sentence. Let me read all three sentences --

22          Q.    If you can -- if you can please read, and  
23 I'll just give you the column and line numbers.  
24 Again, if you could read the paragraph of Column 2,  
25 lines 46 to 55.

1           A.    Okay.

2           Q.    And then let me know when you've -- when  
3           you've -- when you're finished reading. Thank you.

4           A.    I'm finished.

5           Q.    Okay. So now that you've finished reading  
6           that section, do you agree that as part of the  
7           solution that the patent proposes is to combine power  
8           generated from flare gas with computing units that  
9           are adapted to mine cryptocurrency?

10          A.    If it -- if raw natural gas is the  
11          equivalent to flare gas, then yes, I agree.

12          Q.    And so in 2018, this patent is proposing  
13          this as a solution to an existing problem, right?

14          A.    Correct.

15          Q.    And you would agree that the applicants of  
16          this patent did not consider the solution to be  
17          obvious, right?

18               MR. ZHU: Objection. Calls for a legal  
19               conclusion. Calls for speculation.

20               THE WITNESS: Yeah, I -- I would -- I would  
21               have no idea what they were -- what they were  
22               thinking.

23          Q.    BY MR. ZOLOTOREV: Well, do you think they  
24          would have applied for their patent if they thought  
25          this solution's obvious?

1 MR. ZHU: Objection. Calls for  
2 speculation.

3 THE WITNESS: I -- I don't know.

4 Q. BY MR. ZOLOTOREV: Now, if we can go back  
5 to Exhibit 1009, which is the Szmigielski book. And  
6 I really hope I'm pronouncing that name even remotely  
7 correctly. And if you can take a look at Page 105.  
8 And again, that's going from -- by the pagination  
9 numbers at the bottom of the page.

10 Do you see there's a section on that page  
11 titled: Large Scale Mining Challenges?

12 A. I see that.

13 Q. And the first sentence on this page states,  
14 "In addition to facing the same challenges as data  
15 centers, such as network connectivity, availability  
16 of electricity and price, the large-scale Bitcoin  
17 mines face numerous unique issues."

18 You see that?

19 A. Yes.

20 Q. And you agree with that statement?

21 A. Yes.

22 Q. And so you would agree with Szmigielski  
23 that Bitcoin miners face unique issues, right?

24 A. Correct.

25 Q. So a person of ordinary skill in the art

1 would not automatically think that what works for a  
2 generic data center would also work for Bitcoin  
3 mining, correct?

4 A. Correct. Well, let me rephrase. It would  
5 work. An ordinary data center would work for Bitcoin  
6 mining. It just may not be as profitable. So part  
7 of the unique challenges are trying to create a data  
8 center for crypto mining that costs as little money  
9 as possible to run.

10 Q. But you would agree that there are unique  
11 issues facing Bitcoin miners that would not be at  
12 issue for a generic data center, correct?

13 A. Don't think there would be any issues that  
14 couldn't be addressed by a regular data center other  
15 than cost.

16 Q. Now, the next section at Page 105 is  
17 titled: Inexpensive, Reliable Electricity.

18 Do you see that?

19 A. I see that.

20 Q. So you would agree that Bitcoin mining  
21 requires inexpensive electricity, right?

22 A. It doesn't require inexpensive electricity,  
23 but it prefers. People who mine Bitcoin definitely  
24 prefer inexpensive electricity.

25 Q. And you would also agree that Bitcoin

1 mining prefers reliable electricity, right?

2 A. Well, reliable -- reliable electricity is  
3 a -- is a very relative term. So I can't agree  
4 because that -- that term -- that term is -- is very,  
5 very relative. Depends on where they are located.  
6 Bitcoin mining is -- is located around the world, in  
7 China, some remote areas, in the United States, in  
8 Eastern Europe. So what's reliable -- what someone  
9 might think is reliable in one area might not be  
10 reliable in another area. Therefore, that term is  
11 very vague.

12 Q. Okay. So you don't know what Szmigielski  
13 means when he states that reliable electricity is  
14 needed, right?

15 A. If I'm -- if I'm trying to establish what  
16 Szmigielski thinks, when I read this paragraph, the  
17 only thing he says about electricity is abundant --  
18 and it says, "abundance of power," and he says,  
19 "inexpensive." So that's the only two references to  
20 electricity. So if he thinks that "reliable" means  
21 abundant and inexpensive, then that -- that would be  
22 his definition of "reliable."

23 Q. Okay. So when the term "Reliable  
24 Electricity," that's in the header for this  
25 paragraph, you don't know what that means, correct?

1           A.    I'm saying that it is a word that's --  
2           that's very relative when you pair it with  
3           "electricity."

4           Q.    And so you don't know exactly what  
5           Szmigielski means when he talks about reliability of  
6           electricity, right?

7           A.    I don't know exactly what he means he other  
8           than what he's written in this paragraph which he  
9           says, "abundant and inexpensive." He doesn't talk  
10          about uptime.

11          Q.    And what do you mean by "uptime"?

12          A.    Uptime is the amount of time that a -- that  
13          a piece of equipment is running. So, for instance,  
14          if you had a data center with a 911 system, uptime  
15          required is 99.99 percent of the time. Would you say  
16          that's reliable power? The power could be off, and  
17          the data center will still be running. So, for  
18          instance, it's a very expensive way to do it. You've  
19          got redundancy everywhere. Batteries, fuel,  
20          generators. But what's reliable electricity at home  
21          for my kettle that I only need electricity for three  
22          times a day for 10 minutes. That, to me, would be  
23          reliable for my -- for my application. So again,  
24          it's -- it's an extremely relative term. Mining --  
25          Bitcoin mining is designed to be as inexpensive as

1 possible, the inputs. So I know there's examples of  
2 miners who have made decisions -- and this is also  
3 again the decision of the company or the individual  
4 that's mining -- instead of putting enhanced chilling  
5 on his data center, when the weather got too hot in  
6 the middle of summer, he would turn off his machines.  
7 So there was still electricity, but he chose to turn  
8 off his machines in order to protect them rather than  
9 spend extra money to have chillers.

10 Q. So with regard to Bitcoin mining  
11 specifically, one way that reliable electricity could  
12 be characterized is the amount of uptime that it  
13 provides, right?

14 A. Uptime is a characteristic of -- of -- yes,  
15 time available.

16 Q. And the more uptime, that is available, the  
17 more potentially profitable the Bitcoin mining can  
18 be, correct?

19 A. Correct.

20 Q. And so one way in which the person of skill  
21 in the art would seek to maximize this reliable  
22 electricity is to look for a source that maximizes  
23 uptime, correct?

24 A. That's one factor, correct.

25 Q. And another factor that would go into the

1 reliability of electrical supply for a Bitcoin miner  
2 could be that the amount of power available is  
3 sufficient to run the miner at its maximum hash rate,  
4 correct?

5 A. Again, using "reliable" as a relative term,  
6 I -- I'd say the amount of -- the amount of power --  
7 let's use my example of the Launch 200. If you  
8 wanted to run 17 Spondoolies, you'd have to have a  
9 Launch 200, and you'd have to have 200 amps of hour.  
10 So does that mean reliable? I -- I don't know. That  
11 term is -- the term is relative.

12 Q. Well, you would agree that it makes little  
13 sense to invest \$60,000 in a Launch 200 with the  
14 maximum number of Spondoolie servers connected up to  
15 a source of power that is only available a few hours  
16 a day, for example, right?

17 A. Well, if it was available a few hours a  
18 day, you may be in Nepal. So that would be a poor  
19 place to choose.

20 Q. And you would agree that it would make  
21 little sense to connect a Launch 200 CryptoKube with  
22 Spondoolie servers to a source of power that only  
23 occasionally provides the 200 amps necessary for the  
24 maximum hash rate, correct?

25 A. Well, what's "occasionally"?

1 Q. Let's say for an hour a day.

2 A. So -- sorry, can you ask the question  
3 again?

4 Q. Yes. You would agree that it would make  
5 little sense to invest \$60,000 in a Launch 200  
6 CryptoKube with Spondoolie servers and connected to a  
7 source of power that only occasionally provides the  
8 power necessary for the maximum hash rate to be  
9 sustained?

10 A. So "occasionally" is defined as an hour a  
11 day? Then I would agree that doesn't make any sense.

12 Q. And what if it was defined as three hours a  
13 day?

14 A. That's, again, dependent on the person who  
15 is making that decision. I -- I gave an example of  
16 somebody who, even though they had power available,  
17 decided not to run their miners. So that's a --  
18 that's an individual decision based on who is mining  
19 and where they are located and what geography they  
20 are in.

21 Q. Now, looking at the same paragraph, the  
22 very last sentence, Szmigielski provides an example  
23 of hydroelectric power as an example of inexpensive  
24 and reliable electricity, right?

25 A. "Abundance of inexpensive power." That's

1       what his sentence says.

2               Q.     And the example he provides is  
3       hydroelectric power?

4               A.     Yes.  He says, "abundant and inexpensive."

5               Q.     And Szmigielski does not give flare gas in  
6       an oil field as an example of power that is both  
7       inexpensive and reliable, right?

8               A.     In this sentence, he does not give that as  
9       an example.

10              Q.     You are not aware of Szmigielski providing  
11      it as an example anywhere in this book, right?

12              A.     He hasn't provided that anywhere in this  
13      book.

14                   MR. ZOLOTOREV:  So I'm about to switch  
15      gears.  So maybe it makes sense for us to take that  
16      quick break.

17                   THE WITNESS:  Okay.  Fine.

18                   MR. ZOLOTOREV:  So let's take 10 minutes.

19                   THE WITNESS:  Thank you.

20                   (Recess taken.)

21              Q.     BY MR. ZOLOTOREV:  All right.  If we can  
22      turn to your declaration.  And I'll have you turn to  
23      Page 35, Paragraph 102.

24                   Now, this paragraph discusses your opinions  
25      with regard to Limitation 1C, which is, quote,

1 blockchain mining devices connected to a generator in  
2 which --

3 A. Sorry. I just have to find the section. I  
4 haven't found it yet.

5 Q. Okay. All right. Let me know when you get  
6 there, and we'll start over.

7 A. Okay. I'm here now.

8 Q. Okay. Great. So looking at Paragraph 102,  
9 this paragraph discusses your opinions with regard to  
10 Limitation 1C, which is blockchain mining devices  
11 connected to the generator, correct?

12 A. I'm not an expert in the oil and gas field.  
13 And I was relying on Dr. Nikolaou, but this is in my  
14 declaration, correct.

15 Q. Okay. And so not focusing on the generator  
16 part of this, but the opinion with regard to  
17 blockchain mining devices that's expressed in  
18 Paragraph 102, that's your opinion, correct?

19 A. Correct.

20 Q. Okay. And you're not relying on  
21 Dr. Nikolaou for the opinion with regard to what is a  
22 blockchain mining device, correct?

23 A. Correct.

24 Q. Okay. And so as expressed in your  
25 declaration, the Bitcoin mining devices are the

1 Spondoolies-Tech SP31 or SP35 servers, right?

2 A. I have a definition of blockchain mining  
3 device in my declaration. If you want to look at  
4 that.

5 Q. Well, I'm just asking you as to what you  
6 identify in CryptoKube Dickerson combination as the  
7 claimed Bitcoin mining devices. You identified the  
8 Spondoolies-Tech SP31 or SP35 servers, correct?

9 A. Those are identified in that paragraph as  
10 examples of a blockchain mining device.

11 Q. Okay. And with regard to CryptoKube  
12 Dickerson combination, you did not identify any other  
13 examples of what would be the claimed Bitcoin mining  
14 device, correct?

15 A. There's no other examples given here, no.

16 Q. Okay. So now, the opinion that you had  
17 expressed in your declaration with regard to  
18 CryptoKube is that the Bitcoin mining devices are the  
19 Spondoolies-Tech SP31 or SP35 servers, correct?

20 A. Again, I used those as an example. They  
21 don't have to be the servers that go into a  
22 CryptoKube. CryptoKube is -- can take any type of  
23 mining device, Bitcoin mining device.

24 Q. Okay. And so you did not express the  
25 opinion that the CryptoKube itself is a Bitcoin

1 mining device, correct?

2 A. Correct.

3 Q. And so the Bitcoin mining devices that you  
4 identify in your report are mining servers that go  
5 into a CryptoKube, correct?

6 A. I think -- let's -- let's go to my  
7 definition of mining device, and I'll read that. And  
8 then we'll go back to the question. Just so we're  
9 clear. I don't -- I don't want to be contradicting  
10 my definition of "mining device."

11 In Section 25 --

12 Q. Are you referring to Paragraph 25?

13 A. Paragraph 25, I believe. Let me -- let me  
14 find it. No, sorry, it's 50 -- I'll tell you when I  
15 find it. Paragraph 49. I'll read this. "The term  
16 'blockchain mining device' should be construed as any  
17 computing device that is capable of performing  
18 blockchain mining without regard to processor speed  
19 or power."

20 So if you go back to the question, I used  
21 an example of the Spondoolies SP35 or SP31, but you  
22 could use any device, including a home computer.  
23 Potentially.

24 Q. Okay. You did not identify a home computer  
25 as a Bitcoin mining device in the Dickerson

1 CryptoKube combination, correct?

2 A. I didn't. I only used examples of the  
3 SP35, and the SP31.

4 Q. Okay. And in -- in your report, as stated  
5 under the section for Limitation 1C, aside from SP31  
6 or SP35 servers, you do not identify any other  
7 Bitcoin mining devices, correct?

8 A. I haven't specifically identified any other  
9 models or devices, no.

10 May I -- may I ask which section we were --  
11 I moved from that section. I'd like to move back to  
12 it.

13 Q. Yes. Paragraphs 102 and 103 at Page 35.

14 A. Thank you. Got it.

15 Q. Okay. And so in that section, you do not  
16 state that the Spondoolies-Tech SP31 or SP35 servers  
17 are mere examples, correct?

18 A. I believe that in -- my intention, by  
19 putting it in brackets, was to say that they were  
20 examples.

21 Q. Okay. Your intention may have been to use  
22 them as examples, but you don't label them as  
23 examples, correct?

24 A. They are not labeled as examples.

25 Q. Okay. And you are not aware of any

1 CryptoKube using home computers as Bitcoin mining  
2 devices, correct?

3 A. Nobody that purchased -- no one that  
4 purchased a CryptoKube used home computers to mine in  
5 the CryptoKube.

6 Q. Now, the -- I think we already discussed  
7 them a little bit, but the Spondoolies-Tech SP31 or  
8 SP35 servers are a kind of specialized computer  
9 server, correct?

10 A. Correct.

11 Q. And they are meant to be mounted in a rack  
12 within the CryptoKube enclosure, correct?

13 A. The Spondoolies, when they are used in a  
14 CryptoKube, are -- are mounted in a rack, correct.

15 Q. Now, in your report, you did not provide  
16 any documentation as to what components a individual  
17 Spondoolies-Tech SP31 or SP35 server would have,  
18 correct?

19 A. Are you asking have I provided  
20 specifications of the components inside of an SP35?

21 Q. Any documentation such as specifications.

22 A. I haven't provided any specifications for  
23 those other than the power requirements in my -- in  
24 my brochure.

25 Q. And if we can now move on to Paragraph 104

1       which is on the same page, and then it carries over.  
2       And in the first sentence, you again identify the  
3       Spondoolies-Tech SP31 or SP35 servers as -- as the  
4       alleged blockchain mining devices, correct?

5             A.    I identified the SP31, SP35 as examples of  
6       servers that can go inside of the CryptoKube.

7             Q.    The word "example" is not anywhere in this  
8       paragraph, correct?

9             A.    Correct. I've not defined blockchain  
10      mining device as an SP31 or SP35.

11            Q.    Okay. You do state that -- in the first  
12      sentence, you state that the Spondoolies-Tech SP31 or  
13      SP35 servers, that is blockchain mining devices,  
14      right?

15            A.    That is not -- I did not say that they were  
16      the blockchain devices. That the definition of  
17      blockchain mining devices. They are blockchain  
18      mining devices, but that's not the definition of a  
19      blockchain mining device.

20            Q.    With regard to the blockchain mining  
21      devices you identified, sir, for ground 1, ground 2,  
22      and ground 3, other than Spondoolies-Tech SP31 or  
23      SP35 servers, you did not identify any others,  
24      correct?

25            A.    Correct.

1           Q.   And then you state that each of these  
2           Spondoolies-Tech SP31 or SP35 servers would, quote,  
3           necessarily have a mining processor, correct?

4           A.   Correct.

5           Q.   You did not opine that the Spondoolies-Tech  
6           SP31 or SP35 servers themselves have a claimed mining  
7           processor, correct?

8           A.   Correct.

9           Q.   You did not identify any specific processor  
10          in these servers as the alleged mining processor,  
11          correct?

12          A.   I didn't identify specifically, no.

13          Q.   You don't know what processor allegedly was  
14          in the Spondoolies-Tech SP31 or SP35 servers, right?

15          A.   I did in 20 -- 2015. I don't recall the  
16          actual processor now.

17          Q.   Okay. And you didn't identify it in your  
18          declaration, correct?

19          A.   I did not.

20          Q.   Now, the processor that, in your opinion,  
21          is necessarily present in the Spondoolies-Tech SP31  
22          or SP35 servers is an ASIC, correct?

23          A.   That is an ASIC processor of Spondoolies,  
24          correct.

25          Q.   Okay. And in fact, there would be some

1 number of these ASIC processors, correct?

2 A. There would be multiple ASIC processors in  
3 a Spondoolies SP35.

4 Q. And each ASIC processor -- well, let me --  
5 okay.

6 The ASIC processor is an integrated  
7 circuit, correct?

8 A. You would identify it as an integrated  
9 circuit.

10 Q. So in other words, it's a chip, right?

11 A. ASIC processor is a chip.

12 Q. And so the mining processor that you are  
13 saying is necessarily present is an ASIC chip,  
14 correct?

15 A. The mining processor in an SP35 or SP31 is  
16 an ASIC chip.

17 Q. And this ASIC chip is an integrated circuit  
18 dedicated to performing crypto mining operations,  
19 correct?

20 A. That is correct.

21 Q. Other than performing crypto mining  
22 operations, you're not aware of any other functions  
23 that this ASIC would perform, correct?

24 A. The SP31, SP35 servers were designed only  
25 for Bitcoin or ASIC mining cryptography.

1           Q.   And I'm focusing specifically on the chip  
2           itself as opposed to the server.  And so I'm asking  
3           you other than performing crypto mining operations  
4           for which the ASIC chip is designed, you are not  
5           aware of any other functions that it would perform,  
6           correct?

7           A.   Correct.

8           Q.   Now, if we can take a look at Exhibit 1001,  
9           which is the '372 patent.

10                  (Exhibit 1001 for identification.)

11           Q.   BY MR. ZOLOTOREV:  Mr. Kasdorf, we're  
12           almost three hours into this deposition.  We haven't  
13           yet talked about the patent.  Mr. Kasdorf, if you can  
14           take a look at Exhibit 1001 and just confirm for me  
15           that it's a copy of the '372 patent which is the  
16           patent that you've been providing opinions about.

17           A.   Correct.

18           Q.   Now, if we can take a look at Column 17,  
19           Lines 9 through 12.  Let me know when you get there.

20           A.   Okay.

21           Q.   Okay.  You see there's a sentence there  
22           stating, "Each mining processor 92 may have a variety  
23           of configurations, but generally may include at least  
24           a power supply, a controller board and mining  
25           circuitry, such as an ASIC circuit."

1 Do you see that?

2 A. Yes. Column 17?

3 Q. Yes. Lines --

4 A. Line --

5 Q. Line -- well, there --

6 A. Line -- let me just read that again. I see  
7 that.

8 Q. And so you would agree that this -- this  
9 description specification is describing a mining  
10 processor as that term is used in the claims?

11 A. My definition of a mining processor is in  
12 my declaration. I think the -- the use of "mining  
13 processor" in the '372 patent was -- was unclear and  
14 ambiguous. In some places, it refers to an ASIC  
15 circuit, in some places, it actually refers to the  
16 whole data center.

17 Q. But you would agree, though, in this case,  
18 the term "mining processor," as used in the  
19 specification, is referring to something that's more  
20 than ASIC, right?

21 A. Well, I think it's probably best if I read  
22 my -- my definition, which is in 51, I believe, of  
23 Exhibit 1004.

24 Q. Sir, you can -- you can go ahead and read  
25 that definition, but I'm asking you specifically

1 about the specification rather than your definition.

2 A. Okay. Well, I'll read my definition of  
3 "mining processor." "Could be construed as any  
4 processor that is capable of performing blockchain  
5 mining without regard to processor speed or power."

6 Q. Okay.

7 A. So can you -- sorry, can you ask the  
8 question again?

9 Q. Yes. I'm just asking you if you would  
10 agree at least that in this sentence, at Column 17, 9  
11 through 12, the term "mining processor" includes a  
12 power supply, a controller board, and mining  
13 circuitry such as an ASIC circuit.

14 A. As somebody who is -- who is very familiar  
15 with the IT industry, that's not what processor  
16 means. Processor is usually the ASIC circuit. Not  
17 the power supply, the controller board, the computer  
18 the data center. It's usually the chip. It's the  
19 way I used it in my -- in my declaration.

20 Q. But you would agree that here the  
21 specification describes "mining processor" in Line 2  
22 as having at least a "power supply, controller board  
23 and mining circuitry," as written in the sentence,  
24 correct?

25 A. In the sentence, they -- they describe

1 "mining processor" as having a power supply,  
2 controller board, and mining circuitry. Yes.

3 Q. Okay. And if you can then look at Column  
4 17, 15 through 21. And just read that to yourself  
5 and let me know when you've done that.

6 A. Okay.

7 Q. Now, here, the specification describes an  
8 ASIC mining processor including hash boards, a  
9 controller, and a power supply. And it states that  
10 "Each mining processor, 92, may be positioned on  
11 racks or shelving units," right?

12 A. Correct.

13 Q. Now, this description that we just read at  
14 Column 17, 9 through 12 and 17, 15 through 21 is  
15 consistent with what you would expect to see in,  
16 let's say, a Spondoolies-Tech SP31 or SP35 server,  
17 right?

18 A. The -- the way I read the sentence, your --  
19 the patent is referring to a mining processor as the  
20 whole Spondoolie SP35. That's -- that's where I'm  
21 thinking that it's very ambiguous because the general  
22 industry understanding of processor is a chip inside  
23 of an SP35, not the SP35 itself. So the definition  
24 I'm reading here is for defining an ASIC processor as  
25 a Spondoolie SP35 equivalent.

1 Q. Okay. And just staying with this portion,  
2 this specification and this description, there is a  
3 component of this description called a "controller."

4 Do you see that?

5 A. Yes.

6 Q. And the controller is what's communicating  
7 with the network, right?

8 A. Correct.

9 Q. And this network, that would include the  
10 blockchain database, right?

11 A. The blockchain database would be on the  
12 network in a distributed fashion. It would also be  
13 in part or in whole on the individual nodes.

14 Q. So again, just focusing on -- on this  
15 portion of the specification at 17, 15 through 21, as  
16 described here, the ASIC integrated circuit is doing  
17 the mining while this other component called  
18 "controller" is connected to the network interface  
19 and communicating with the network, right?

20 A. Correct. According to this specification.

21 Q. And that -- again, that's consistent with  
22 what you would see in, let's say, a Spondoolies-Tech  
23 SP31 or SP35 server, right?

24 A. So an SP31, SP35 server has hashing boards,  
25 they have a power supply, they have a controller. So

1 in that manner, the description of the server here,  
2 which is being called a mining processor, is  
3 consistent with a Spondoolies SP35.

4 Q. I'm going back to your report. In your  
5 report, you do not identify which component in a  
6 Spondoolies-Tech SP31 or SP35 server is connected  
7 through a network interface, right?

8 A. I -- I don't.

9 MR. ZOLOTOREV: If I can now direct your  
10 attention to Exhibit 2102.

11 And let's go ahead and mark that.

12 (Exhibit 2102 for identification.)

13 Q. BY MR. ZOLOTOREV: Exhibit 2102 is your  
14 declaration that you provided in another PGR  
15 petition, PGR2023-00052, correct?

16 MR. ZHU: Objection. Scope. This  
17 deposition is limited to this case, not the second  
18 case.

19 MR. ZOLOTOREV: Yeah, well, I'm entitled to  
20 explore Mr. Kasdorf's opinions that bear on the same  
21 claim terms that are at issue in this case. I'm  
22 entitled to explore his full opinions.

23 Q. So with that, Mr. Kasdorf, do you recognize  
24 this document as your declaration in the 0052  
25 petition?

1 THE WITNESS: Jay, do I answer these  
2 questions?

3 MR. ZHU: Yeah, you may answer. You know,  
4 it's related to the first case or, you know,  
5 information we talked about in the first case.

6 THE WITNESS: Well, I recognize this as my  
7 petition for the second case.

8 Q. BY MR. ZOLOTOREV: Okay. And this is a  
9 declaration that you prepared, right?

10 A. Correct.

11 Q. And it contains your opinions with regard  
12 to the '372 patent, correct?

13 A. Correct.

14 Q. Now, if I can direct your attention to  
15 Page 16. And this is used in the pagination that's  
16 at the very bottom of each page. Again, recognize  
17 that there's two paginations.

18 A. I got that.

19 Q. Okay. And at the top of the page,  
20 there's -- this is an actual Paragraph 49 which  
21 carries over from the previous page, but, in part,  
22 you see where you state that, "In my opinion, the  
23 term 'blockchain mining devices' could refer to" --

24 A. Well, sorry. Sorry. I don't -- I'm -- I'm  
25 not where you are. On Page 16 on the bottom of the

1 page?

2 Q. Yes. At the very bottom of the page.

3 A. Okay. What -- what paragraph?

4 Q. You should see -- the -- the only full  
5 paragraph or the only paragraph that's on that page  
6 that has a paragraph number is 50, and there is a  
7 picture there.

8 Do you see that?

9 A. That is not Page 16 for me.

10 Q. Okay. Then maybe it's Page 15 for you?

11 A. 18. Paragraph 50?

12 Q. Yeah.

13 A. So Paragraph 50, in my document, starts  
14 with, "The '372 patent further explains that mining  
15 refers to the computation review process." Is that  
16 what you're looking at?

17 Q. Okay. Well, let's take a look here. Just  
18 give me a second. I don't want to lead you astray.

19 Oh, I'm sorry. I have the wrong exhibit.  
20 This is actually your declaration, the 00039 case  
21 that's being remarked as an exhibit in 0052.

22 MR. ZOLOTOREV: Why don't we go off the  
23 record, gentlemen, and I will upload the right  
24 exhibit. Let's reconvene in five minutes.

25 (Recess taken.)

1 Q. BY MR. ZOLOTOREV: Okay. We're back on the  
2 record.

3 Mr. Kasdorf, we've hopefully now added to  
4 your exhibits an Exhibit 1024. Can you confirm for  
5 us that you've been able to download it?

6 A. I have that open.

7 (Exhibit 1024 for identification.)

8 Q. BY MR. ZOLOTOREV: Okay. Do you recognize  
9 1024 as the declaration you submitted in the 0052  
10 petition?

11 A. I -- I do.

12 Q. Now, again, if I can -- for whatever  
13 reason, this document has two paginations.

14 A. Yeah.

15 Q. So I'll refer to the one that's at the very  
16 bottom of the page, so the lower pagination. If you  
17 can go to Page 16, please, and let me know when --  
18 when you're there.

19 A. That is a picture of the CryptoKube mobile  
20 data center and Spondoolies SP35 server.

21 Q. Okay. So you and I are on the same page.

22 In Paragraph 49, which carries over into  
23 Page 16, you state that, "In my opinion, the term  
24 'launching mining devices' could refer to either, 1,  
25 a plurality of mining servers, e.g., Spondoolies-Tech

1 SP35 service housed together, e.g., in a portable  
2 shipping container, or, 1, a plurality of mobile data  
3 centers, i.e., a plurality of shipping containers,  
4 each configured as a mobile data center such as  
5 CryptoKube's mobile Bitcoin data center, each  
6 containing a plurality of mining servers housed  
7 together."

8 You see that?

9 A. I do.

10 Q. So when presenting your opinions with  
11 regard to CryptoKube in the first declaration, the  
12 term that you used, the first definition to identify  
13 the blockchain mining devices in the CryptoKube  
14 combinations, correct?

15 A. Sorry. Do you mind repeating the question?

16 Q. Yeah. In identifying the claimed  
17 "blockchain mining devices," in the CryptoKube  
18 combinations or grounds in the first petition, in  
19 your first declaration, you used the first definition  
20 stated here in Paragraph 49, correct?

21 MR. ZHU: Objection. Vague.

22 THE WITNESS: Yeah, let's look at the  
23 sentence you're talking about in my declaration.

24 Q. BY MR. ZOLOTOREV: I'm sorry, you're  
25 referring to the sentence on Page 16 that we've been

1 discussing?

2 A. No, you said in my first declaration I  
3 referred to. So can you just --

4 Q. Yeah, if we can turn back to Exhibit 1004,  
5 Page 35, Paragraph 102.

6 A. Give me a second. Okay.

7 Q. And so in this paragraph, we they are  
8 identifying the blockchain mining devices, you are  
9 identifying Spondoolies-Tech SP31 or SP35 servers  
10 consistent with your first definition that we just  
11 read at Page 16 of your second declaration, correct?

12 A. Correct.

13 MR. ZHU: Objection. Scope. This  
14 definition in the second case has nothing to do with  
15 the use of the definition in the first case.

16 MR. ZOLOTOREV: Okay. And I'll object to  
17 speaking objections as improper. But I'll -- I think  
18 we can agree that there's -- you can have a scope  
19 objection that's a standing objection.

20 Q. The identification in your first  
21 declaration of Spondoolies-Tech SP31 or SP35 servers  
22 as -- as the blockchain mining devices is not  
23 consistent with your second definition that we looked  
24 at at Page 16, right?

25 A. There is a "or" in there. So it doesn't

1 mean that the definition is both.

2 Q. Yeah. I suggest looking at your second  
3 definition. A Spondoolies-Tech server is not a  
4 mobile data center, right?

5 A. Correct.

6 Q. In fact, at Paragraph 50, you state that a  
7 mining server is very different from a mobile data  
8 center, correct?

9 A. In which declaration are we looking at?

10 Q. Paragraph 50 of Exhibit 1024.

11 A. 1024. The mining server is different from  
12 a mobile data center, correct.

13 Q. If I can, then, direct your attention to  
14 Page 18 of Exhibit 1024, Paragraph 53. You state  
15 that, "Despite the teachings of the dependent claims,  
16 both the specification and prosecution history demand  
17 that the second construction, a plurality of mobile  
18 data centers, each containing a plurality of mining  
19 servers," right?

20 A. That's the sentence.

21 Q. And you understood that when you prepared  
22 your first declaration, correct?

23 A. I -- I need to review the context of this.

24 Q. And what would you need to see to review  
25 the context?

1           A.   Well, this -- this was out of scope of  
2           this.  So I didn't spend time reviewing to be more  
3           familiar because I haven't -- I haven't read this  
4           since September.

5           Q.   And what would you need to do to review to  
6           understand the context?

7           A.   Well, you are pulling sentences from the  
8           middle of a declaration that I haven't reviewed since  
9           September.  I was preparing for this deposition with  
10          my first declaration.  Now you're comparing those two  
11          together, so...

12          Q.   Okay.  So you do not --

13          A.   I would need some time.

14          Q.   I'm sorry I interrupted you.

15          A.   Yeah, I would need some time to review them  
16          together and -- and to see the -- the context of what  
17          you're getting at.

18          Q.   Sitting here today, do you know of any  
19          reason why you did not apply the second construction  
20          that you specify in Paragraph 53 of Exhibit 1024 to  
21          the CryptoKube combinations you discuss in your first  
22          declaration?

23          A.   You'll have to repeat that question.  
24          Sorry.

25               MR. ZOLOTOREV:  Mr. Court Reporter, could

1       you please read back the question for the witness.

2               (Record read.)

3               THE WITNESS: I believe in No. 53 I'm  
4       referring to the '372 patent. Blockchain mining  
5       device comprises an intermodal transport container,  
6       right?

7               Q. BY MR. ZOLOTOREV: Well, I'm sorry, I'm  
8       referring to the construction --

9               THE REPORTER: I think we lost Jake. And  
10      he's frozen. So let's go off the record.

11              (DISCUSSION HELD OFF THE RECORD.)

12              Q. BY MR. ZOLOTOREV: The wonders of the  
13      internet.

14              Mr. Kasdorf, I'm referring to the second  
15      construction that you reference in the first sentence  
16      of Paragraph 53 of Exhibit 1024. Do you understand  
17      that?

18              A. "Despite the teachings of the dependent  
19      claims, both specification and prosecution history  
20      demand the second construction plurality of mobile  
21      data centers, each containing a plurality of mining  
22      servers."

23              Q. Do you see that?

24              A. Yes. So we're referring to the  
25      specification in patent --

1           Q.    That's the second sentence -- I'm  
2   referring to the second -- okay.  In the first  
3   sentence of Paragraph --

4           THE REPORTER:  You'll have to say that  
5   again.  You're cutting in and out.

6           Off the record.

7           MR. ZOLOTOREV:  Okay.  Guys, let's go --  
8   let's go off.  I'm going to bail out of Zoom and then  
9   and then just dial back in.  See if that's helping.  
10   Okay?

11          (Recess taken.)

12          THE REPORTER:  Back on the record.

13          Q.    BY MR. ZOLOTOREV:  So why don't I just  
14   restate the question so hopefully we can pick up from  
15   there.

16          Mr. Kasdorf, do you know of any reason why  
17   you did not apply the second instruction that you  
18   referenced in the first sentence of Paragraph 53 of  
19   Exhibit 1024 to the CryptoKube combinations in the  
20   first declaration?

21          A.    Okay.  I think I understand the question.  
22   You're asking I was reviewing here in 53 the patent  
23   '372.  So you're asking if I was going to apply this  
24   second construction, the patent '372 is in both their  
25   specification and prosecution history are -- are

1 using the second construction. You're wondering why  
2 I'm not using the second construction to describe the  
3 CryptoKube?

4 Q. Yes, sir, to describe the CryptoKube  
5 combinations that you opined about in the first  
6 declaration.

7 A. Okay. And the first declaration, we are in  
8 102. Correct?

9 Q. Yes, that's one of the paragraphs we were  
10 looking at.

11 A. Okay. So in 102, the construction there is  
12 Dickerson's mobile data power generation system and  
13 CryptoKube's mobile Bitcoin miner. So these are  
14 singular, which is why I wouldn't have applied a  
15 plural definition to them.

16 Q. Aside from that, there's no other reason?

17 A. Correct.

18 Q. And, sir, you did not provide any opinions  
19 in your first declaration with regard to combining  
20 plural CryptoKubes with Dickerson, correct?

21 A. I did not.

22 Q. And sitting here today, you do not have an  
23 opinion as to whether or not that application of  
24 plural CryptoKubes with Dickerson or the other  
25 references is obvious, right?

1           A.    I think it is obvious.  The ability to add  
2 multiple CryptoKubes.  That was the design of the  
3 CryptoKube was it's easily transportable.  It's  
4 expandable by adding multiple CryptoKubes.  So I -- I  
5 think it would be obvious to add multiple CryptoKubes  
6 if there's enough power being generated by Dickerson.

7           Q.    Okay.  But you chose not to express that  
8 opinion in your declaration --

9           A.    I did not express that opinion in the  
10 declaration.

11          Q.    All right.  If I can direct your attention  
12 back to Exhibit 1024.  We're going to Page 21, I'm  
13 going by the bottom pagination.  Paragraph 59.  Let  
14 me know when you get there.

15          A.    I'm here.

16          Q.    Okay.  And do you see that for the term  
17 "mining processor," you express an opinion that it  
18 could refer to, 1, a mining server, or, 2, an  
19 individual chip.  Right?

20          A.    So it's my opinion that the claim term in  
21 patent '372 is indefinite.

22          Q.    Okay.  And you're saying that it could  
23 refer to, one, a mining server, or, two, an  
24 individual chip, correct?  And that's why it's  
25 indefinite?

1           A.    Correct.  I think I'm ready for a lunch  
2           break if everyone else is.

3                   MR. ZOLOTOREV:  Yeah, I think I'm pretty  
4           close to wrapping up.  We can take lunch now if you  
5           would like to and come back in an hour, or we can try  
6           to finish up.

7                   THE WITNESS:  Wrapping up the whole --  
8           wrapping up everything?

9                   MR. ZOLOTOREV:  Yes.

10                  THE WITNESS:  Okay.  Well --

11                  MR. ZOLOTOREV:  It's totally up to you.  We  
12           can break for lunch now, if you'd like and --

13                  THE WITNESS:  Approximately how long do you  
14           think you'll -- you'll be?

15                  MR. ZOLOTOREV:  Less than an hour.

16                  THE REPORTER:  Let's go off the record for  
17           this discussion real quick.  Okay?

18                  MR. ZOLOTOREV:  That sounds good to me.

19                           (DISCUSSION HELD OFF THE RECORD.)

20           Q.    BY MR. ZOLOTOREV:  Okay.  I think before we  
21           went on break, I directed your attention to Paragraph  
22           59 of Exhibit 1024.  But if I didn't, then I'm  
23           directing your attention to it right now.  Let me  
24           know when you have it open in front of you.

25           A.    It's open.

1           Q.    Okay.  And so as we were previously  
2   discussing, I think the question I was posing is in  
3   that paragraph, you describe two different  
4   definitions for the term "mining processor," correct?

5           A.    In -- so in this paragraph -- now that I'm  
6   reoriented with my second declaration -- so this is  
7   in the context of the '372 patent.  So it can't be  
8   construed as -- as my construct of "mining  
9   processor."  It's in the -- in the context of the  
10  '372 patent.

11          Q.    Okay.  And so you're saying in the context  
12  of the '372 patent, "mining processor" could be  
13  understood as a mining server as, one, understanding  
14  or, two, a second understanding, an individual chip  
15  within the mining server, right?

16          A.    Correct.  As -- as defined in the -- or  
17  as -- as it's referred to in the '372 patent.  And  
18  that's why I'm saying that it's indefinite in the  
19  '372 patent.  The same applies to Paragraph 49.  I  
20  was -- I was surprised that I was reviewing this  
21  second declaration, but as I'm reading this  
22  Paragraph 59, Paragraph 49 is the same.  It's in the  
23  context of the '372 patent.

24          Q.    Okay.  I mean, do you have some other  
25  context in mind?

1           A.    No, I don't.  We're discussing the '372  
2   patent.

3           Q.    Okay.  Very good.  And so was there any  
4   reason why you did not apply both of these  
5   definitions in your analysis in the first  
6   declaration?

7           A.    Well, my definition is -- is pretty clear  
8   in the first declaration.  It's in Section 52, I  
9   think, if we wanted to look at it.  I -- I clearly  
10   define what I -- my opinion of what a mining  
11   processor is.

12          Q.    Okay.  And to be clear -- and we can go  
13   back to Exhibit 1004, Paragraph --

14          A.    51.

15          Q.    -- 104 is to where I am through -- what I  
16   would like to ask you about.

17          A.    Okay.

18          Q.    Can you confirm for me again that the  
19   mining processor that you are saying is necessarily  
20   present is an ASIC chip?

21          A.    In the SP31 or SP35, it was an ASIC chip.

22          Q.    And you did not express the opinion that a  
23   Spondoolies-Tech SP31 or SP35 server is itself a  
24   mining processor.  Correct?

25          A.    I did not.

1           Q.   Now, if I can direct your attention to your  
2   first declaration at Paragraph 82.  Here you discuss  
3   the MAGS system, correct?

4           A.   Correct.

5           Q.   Were you yourself familiar with MAGS before  
6   you worked on this case?

7           A.   I -- I was not.

8           Q.   You also discuss in Paragraph 84 and down  
9   from there, you discuss the Polivka miner.

10                  Do you see that?

11           A.   I do.

12           Q.   Were you familiar with the Polivka miner  
13   before your work in this case?

14           A.   I was familiar to the extent that we  
15   interacted with the developer of the Polivka miner  
16   prior to the case.

17           Q.   And what time frame was that?

18           A.   It's actually one of the exhibits, but it  
19   would have been probably in 2015.

20           Q.   Now, what was the nature of the interaction  
21   with the Polivka miner?

22           A.   The interaction is actually captured in --  
23   in the -- in the exhibit.  But we were discussing  
24   with them essentially how -- how did they solve  
25   certain problems.  Why was the error intake on the

1 bottom of their -- of their miner, what would they do  
2 with condensation. Essentially just probing them.  
3 And they -- they actually gave us props for being  
4 first to market before they were with the CryptoKube.

5 Q. Now, are you aware of the Polivka miner  
6 ever being sold or offered for sale in the United  
7 States?

8 A. I am not aware. I have not seen -- I did  
9 not see any of our clients buying that.

10 Q. The MAGS system, to your knowledge, used  
11 flare gas to power a drilling operation and then some  
12 flare gas was used to power MAGS itself, right?

13 A. Right. That's my understanding. I'm not  
14 an expert in the -- in the field of oil and gas, but  
15 as a layperson, I understood the technology well  
16 enough to answer that question.

17 Q. And so for example, in Paragraph 83 --  
18 well, in Paragraph 82, you describe the MAGS, there  
19 are three gas streams. One is captured in tanks and  
20 shipped off for sale. Another powers generators that  
21 run the drilling operation, and the third powers MAGS  
22 itself.

23 Do you see that?

24 A. I do see that.

25 Q. Which of these generators use the claimed

1 generator, in your opinion?

2 A. The generator that powers the data center?  
3 That could power a data center?

4 Q. Yeah. Which of these generators did you  
5 consider as the generator in -- in the claims that  
6 you opined are obvious?

7 A. Yeah. So the power generator that also  
8 runs the drilling operation would be the one that I  
9 considered. It's powered by methane.

10 Q. And so when MAGS talks about generators  
11 powering mining operation, the mining that's referred  
12 to there is oil and gas mining, right?

13 A. In this -- in this, the drilling operation,  
14 that's the sentence?

15 Q. Yes. And more generally, when -- when MAGS  
16 talks about powering the mining operation, it's  
17 talking about oil and gas mining, correct?

18 A. I'm assuming that that's what they are  
19 talking about. I'd have to refer to Dr. Nikolaou for  
20 the various specifics on this because he's the expert  
21 on that.

22 Q. Okay. Now, the generator that's powering  
23 the mining equipment that you considered, in your  
24 report, you did not discuss how much power would be  
25 left over from powering the mining equipment,

1 correct?

2 A. I didn't discuss that, no.

3 Q. And to your knowledge, Dr. Nikolaou did not  
4 discuss that, correct?

5 A. To my knowledge, he didn't either.

6 Q. Okay. You base your opinion on there being  
7 enough power left over from this generator on top of  
8 its primary purpose of powering mining to also power  
9 a crypto miner, correct?

10 A. Correct. The other alternative is to have  
11 a second MAGS unit which I didn't discuss in my -- in  
12 my declaration. But the obvious, if you have not  
13 enough power to run the drilling operation and  
14 CryptoKube, you could have a second unit that has all  
15 the power dedicated to the cryptocurrency unit.

16 MR. ZOLOTOREV: Okay. And I'll move to  
17 strike as nonresponsive, starting with, "The other  
18 alternative."

19 Q. Just to be clear, you did not discuss, you  
20 chose not to discuss adding a separate MAGS system in  
21 your declaration, correct?

22 A. Correct.

23 Q. And you chose not to discuss whether or not  
24 a POSITA would consider disconnecting the MAGS  
25 generator from other mining equipment, correct?

1           A.    Sorry, repeat the question.

2           Q.    Yeah, you chose not to discuss whether a  
3    POSITA would consider disconnecting the MAGS  
4    generator from powering oil and gas and mining  
5    equipment, correct?

6           A.    I did not consider that.

7           Q.    Okay. And with regard to adding another  
8    MAGS system, you did not consider whether or not that  
9    would -- well, let me ask it different --

10                With regard to adding another MAGS system,  
11    you did not consider how much that would cost,  
12    correct?

13           A.    Correct.

14           Q.    And in your declaration, you presented no  
15    evidence as to whether there would be enough left  
16    over power to power a Polivka miner, correct?

17           A.    Correct.

18           Q.    Now, if we can take a look at Polivka,  
19    which is -- I have it here.

20                Do you recall how much power a Polivka  
21    miner would require to power the crypto mining  
22    operation?

23           A.    I don't recall off the top of my head, no.

24           Q.    With regard to the gas stream that a MAGS  
25    unit may be available to power the drilling

1 operation, you did not express an opinion as to how  
2 much power that gas stream could produce, right?

3 A. I did not.

4 Q. And to your knowledge, Dr. Nikolaou did not  
5 express an opinion as to that factor either, right?

6 A. I don't think there was an opinion. But if  
7 I recall, it did say in the MAGS patent how much  
8 power it would produce.

9 Q. And you don't recall what that is?

10 A. I don't recall, but I believe it was in the  
11 MAGS.

12 Q. Okay. And on the MAGS patent, you mean the  
13 Young reference?

14 A. The Young reference, yes.

15 Q. And do you have a basis to believe that the  
16 Young patent publication describes MAGS as it was  
17 actually implemented?

18 A. I don't know that. I've not seen one. So  
19 I don't know if it matches the patent. Is that -- is  
20 the question does it match the patent?

21 Q. Yes, sir.

22 A. I -- I don't have enough knowledge to  
23 answer that question.

24 Q. And to your knowledge, Dr. Nikolaou did not  
25 provide any opinion on that issue either, correct?

1           A.    I didn't see an opinion on that, to my  
2 knowledge.

3           Q.    And you reviewed the Young reference in  
4 preparing your declaration, correct?

5           A.    Yes, I did.

6           Q.    And did you review it to prepare for your  
7 deposition today?

8           A.    Yes, I did.

9           Q.    When was that?

10          A.    When -- when I reviewed for the deposition?

11          Q.    Yes, sir.

12          A.    Would have been this week. I don't recall  
13 which day.

14               MR. ZOLOTOREV: We can take a look at  
15 Exhibit 1014. So we'll go ahead and mark that.  
16 That's the Young patent application.

17               (Exhibit 1014 for identification.)

18          Q.    BY MR. ZOLOTOREV: If I can direct your  
19 attention to Paragraph 242?

20          A.    242?

21          Q.    242, please. Let me know when you get  
22 there.

23          A.    Which column is that? Or which page?

24          Q.    I'll give you the page number at the bottom  
25 of the page, which Exhibit number. It's Page 43.

1           A.    Okay.  I'm there.  242?

2           Q.    Yes, sir.  242.  Correct.

3           A.    Okay.

4           Q.    I see there's a description here of a dual  
5 fuel gas engine.  It's 150 kilowatts rated.

6           A.    Yeah.

7           Q.    Now, that engine that's described here, if  
8 you reference also Paragraph 241, you would agree  
9 with me that this engine that's described here is  
10 150, or it's the engine that powers the MAGS 200  
11 itself?

12          A.    Let me read the previous paragraph.  It  
13 looks to me like that's the one that powers the  
14 drilling operation.

15          Q.    Why don't you go ahead and read 241 and 242  
16 and you can answer my question.

17          A.    Okay.  So the question is?

18          Q.    Yes.  You would agree with me in reading  
19 Paragraphs 241 and 242 that the engine being  
20 discussed there is the engine that powers MAGS 200  
21 itself?

22          A.    Well, there's two different engines  
23 discussed in 241 and 242 in the way I read it.  The  
24 first one is D rated 5 to 15 percent.  The second one  
25 is not D rated at all.  So it says, "In one

1       embodiment, the MAGS 200 embodiment utilizes  
2       150 kilowatts." So 241 is a different engine than  
3       242, from how I read it.

4           Q.     Okay. In your reading, 241 is describing  
5       which engine?

6           A.     241 is the engine that powers the MAGS  
7       system.

8           Q.     And in your reading, the 242 is describing  
9       the engine that's doing what?

10          A.     Again, I'm not the oil and gas expert. As  
11       a layperson reading this, I can see that this looks  
12       like it's the -- the other engine. It's a separate  
13       engine, and it's the one that's powering the load.

14          Q.     All right?

15          A.     So this is the wellhead gas, additional  
16       duration.

17          Q.     And so it's rated for 150 kilowatts, right?

18          A.     Yes.

19          Q.     But only about a hundred kilowatts of that  
20       is required; is that right?

21          A.     Correct.

22          Q.     So a maximum of 50 kilowatts would be left  
23       over, correct?

24          A.     Correct.

25          Q.     Prior to coming to testify today, what did

1       you do to prepare for your deposition?

2           A.    I met with -- with my counsel, Jay Zhu.  We  
3       discussed the case.

4           Q.    When was that?

5           A.    That was this last week.  We started  
6       actually last Thursday.

7           Q.    And how long was the meeting?

8           A.    We met five times for two hours.

9           Q.    And were the meetings over several days?

10          A.    Yes.

11          Q.    So it totaled approximately 10 hours?

12          A.    Correct.

13          Q.    When was the last meeting?

14          A.    Yesterday.

15          Q.    During the course of your testimony today,  
16       did you at any point discuss the substance of your  
17       testimony with your counsel?

18          A.    We discussed the case.  I'm not sure I  
19       understand the question.

20          Q.    When was this discussion?

21          A.    We discussed the case in the last five  
22       days.  Thursday of the previous week and Monday to  
23       Thursday of this week.

24          Q.    My question is directed to your testimony  
25       today.  During the course of your deposition today --

1           A.    Oh --

2           Q.    -- did you at any point in time discuss the  
3 substance of your testimony with counsel?

4           A.    I did not have any conversation today with  
5 Jay. Other than what we've had in the deposition in  
6 front -- in front of you on the record.

7           MR. ZOLOTOREV: Okay. Very good. I will  
8 reserve my time for any recross and the redirect.  
9 But with that, I pass the witness.

10          MR. ZHU: No questions.

11          MR. ZOLOTOREV: Okay. Then we can conclude  
12 at this time.

13          I want to thank the witness and our court  
14 reporter for making this happen. Thank you very  
15 much.

16          THE WITNESS: Thank you.

17          MR. ZHU: Thank you.

18          THE REPORTER: Thank you. This concludes  
19 the deposition.

20

21               (Proceedings concluded at 12:41 P.M.)

22

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1       STATE OF CALIFORNIA       )  
2       COUNTY OF LOS ANGELES    )

3  
4               I, Mark Schweitzer, Certified  
5       Shorthand Reporter No. 10514, do hereby  
6       Certify:

7       That VERNON KASDORF, the witness whose  
8       deposition is hereinbefore set forth, was duly sworn  
9       by me before the commencement of such deposition and  
10      that such deposition was taken before me and is a  
11      true record of the testimony given by such witness.

12      I further certify that the adverse party,  
13      Petitioner, was represented by counsel at the  
14      deposition.

15      I further certify that the deposition of VERNON  
16      KASDORF occurred remotely with the court reporter  
17      appearing from California, on Friday, March 29,  
18      2024, commencing at 9:07 a.m. to 12:41 p.m.

19      I further certify that I am not related to any of  
20      the parties to this action by blood or marriage, I  
21      am not employed by or an attorney to any of the  
22      parties to this action, and that I am in no way  
23      interested, financially or otherwise, in the outcome  
24      of this matter.

25

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

3  
4             
5           \_\_\_\_\_

6       MARK SCHWEITZER, CSR #10514, RPR, CRR

7       Certified Shorthand Reporter

8       In and for the State of California  
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DECLARATION UNDER PENALTY OF PERJURY

I, Vernon Kasdorf, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken Friday, March 29, 2024; that I have made such corrections as appear noted on the Deposition Errata Page attached hereto and signed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024,  
at \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Vernon Kasdorf

Transcript of Vernon Kasdorf  
Conducted on March 29, 2024

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| A                  |                       |                      |                  |
|--------------------|-----------------------|----------------------|------------------|
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Transcript of Vernon Kasdorf  
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Conducted on March 29, 2024

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