

**In the Matter Of:**

*SAVANT TECHNOLOGIES LLC vs*

*FEIT ELECTRIC COMPANY, INC.*

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*E. FRED SCHUBERT*

*March 13, 2026*

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UNITED STATES PATENT AND TRADEMARK OFFICE  

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING,  
ELONG INTERNATIONAL USA INC., AND XIAMEN  
LONGSTAR LIGHTING CO. LTD.

Petitioner

v.

FEIT ELECTRIC COMPANY, INC.,  
Patent owner

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Case No. IPR2025-00698

Patent No. 8,614,539

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VIDEO RECORDED EXAMINATION of E. FRED SCHUBERT

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TAKEN ON FRIDAY, MARCH 13, 2026

CERTIFIED STENOGRAPHER:

JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,  
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)  
CCR-WA (No. 21007264), CSR-CA (No. 14420),  
REALTIME SYSTEMS ADMINISTRATOR  
JOB NO.: 1012442

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VIDEO RECORDED EXAMINATION of  
E. FRED SCHUBERT, taken before  
JESSICA R. WAACK, Registered Professional  
Reporter, Registered Merit Reporter, Certified  
Realtime Reporter, Registered Diplomate  
Reporter, California Certified Realtime  
Reporter, New Jersey Certified Court Reporter  
(License No. 30XI008238700); Texas Certified  
Shorthand Reporter (License No. 11958);  
Washington State Certified Court Reporter  
(License No. 21007264); California Certified  
Shorthand Reporter (License No. 14420); New  
York Association Certified Reporter, New York  
Realtime Court Reporter and Notary Public of  
Washington, D.C. and the States of New York,  
Pennsylvania, Delaware and Virginia, at  
Benesch, Friedlander, Coplan & Aronoff LLP,  
1155 Avenue of the Americas, New York, New  
York, on Friday, March 13, 2026, commencing at  
10:06 a.m. and concluding at 12:03 p.m.

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A P P E A R A N C E S

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A L S O P R E S E N T

DEREK ROSE, videographer

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\*\* STENOGRAPHER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

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INFORMATION REQUESTED

None

WITNESS INSTRUCTED NOT TO ANSWER

None

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WITNESS: E. FRED SCHUBERT

Friday, March 13, 2026

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\*\* The original exhibit was included in  
the original transcript. \*\*

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WITNESS: E. FRED SCHUBERT

Friday, March 13, 2026

MARKED	DESCRIPTION	PAGE
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1 \*\*\*\*\*

2 PROCEEDINGS

3 March 13, 2026, 10:06 a.m.

4 New York, New York

5 \*\*\*\*\*

6 THE VIDEOGRAPHER: Good morning.

7 We are now on the record.

8 By name is Derek Rose. I am the  
9 videographer with Lexitas. Today's  
10 date is March 13, 2026, and the time is  
11 10:06 a.m.

12 This deposition is being held at  
13 Benesch Friedlander at 1155 6th Avenue  
14 in New York City in the matter of  
15 Savant Technologies, et al. vs. Feit  
16 Electric Company.

17 The deponent is Fred Schubert.  
18 Would counsel and all present please  
19 introduce themselves after which the  
20 court reporter, Jessie Waack, will  
21 swear in the witness.

22 ATTORNEY BROWN: Andy Brown of  
23 Radulescu LLP on behalf of Petitioners.

24 ATTORNEY SHAH: Kal Shah with  
25 Benesch Friedlander on behalf of the

1 patent owner.

2 \*\*\*\*\*

3 E. FRED SCHUBERT, sworn

4 on oath and/or affirmed, called as a

5 witness herein, was examined and testified

6 as follows:

7 \*\*\*\*\*

8 EXAMINATION

9 BY ATTORNEY BROWN:

10 Q. Good morning, Dr. Schubert.

11 A. Good morning.

12 Q. I am going to give you a document  
13 that's previously been marked Exhibit 2001.

14 (Whereupon, Previously Marked  
15 Exhibit 2001 is identified for  
16 the record.)

17 BY ATTORNEY BROWN:

18 Q. And Exhibit 2001 is an exhibit  
19 that was entered in Case Number IPR  
20 2025-0698 regarding the 8,614,539 patent.

21 Do you see that?

22 A. Yes.

23 Q. And was this your declaration in  
24 the proceeding regarding the '539 patent?

25 A. Yes.

1 Q. I previously deposed you before  
2 in a related matter back in September.

3 Do you remember that?

4 A. Yes.

5 Q. And that would have been  
6 regarding the '678 patent as we referred to  
7 it; is that right?

8 A. Yes, that's right.

9 Q. And so this proceeding now where  
10 I'm deposing you is regarding the '539  
11 patent, which is similar to the '678 patent  
12 but a different patent; is that right?

13 A. Yes.

14 Q. And do you remember kind of at a  
15 high level, you know, what differences, if  
16 any, there were between your analysis  
17 regarding the '539 patent and the '678  
18 patent?

19 ATTORNEY SHAH: I'll object to  
20 form as compound.

21 You can answer.

22 THE WITNESS: For the '539  
23 patent, I conducted an analysis, and I  
24 came to the conclusion that the '539  
25 patent is not anticipated and not

1 obvious based on the prior art.

2 And for the '678 patent, I did a  
3 similar analysis.

4 BY ATTORNEY BROWN:

5 Q. If we look on the back here, we  
6 can see that it's dated July 15, 2025.

7 Does that sound right to you for  
8 when it was submitted?

9 A. Yes.

10 Q. And so that would have been after  
11 you submitted your declarations regarding  
12 the '678 patent; is that right?

13 A. Yes, that is consistent with my  
14 recollection.

15 Q. And this would have been before  
16 your September deposition; is that right?

17 A. Yes.

18 Q. Did you submit any other IPR  
19 declarations after your September  
20 deposition?

21 A. In the Feit matter or in any  
22 matter?

23 Q. In the Feit matter, please, in  
24 the related Feit matters.

25 A. I don't think so, but I'm not

1 100 percent sure.

2 Q. If you look on the front page  
3 here, it says the Declaration of E. Fred  
4 Schubert PhD in Support of Patent Owner's  
5 Preliminary Response.

6 Do you see that?

7 A. I do.

8 Q. Do you know whether you submitted  
9 a declaration in support of patent owner's  
10 response in this matter, the response as  
11 opposed to the preliminary response?

12 A. I don't think so, but I'm not  
13 100 percent sure.

14 Q. Do you know whether you were ever  
15 asked to prepare a declaration in support  
16 of the patent owner's response regarding  
17 the '539 patent?

18 A. I do not recall.

19 Q. Do you recall after your  
20 September deposition when you were next  
21 contacted by Feit regarding these IPR  
22 matters?

23 A. I think I was contacted in  
24 January or around January 2026, but I do  
25 not recall if there was a contact in the

1 October, November, December 2025 timeframe.

2 Q. Without getting into the  
3 substance of the conversation when you were  
4 contacted in January, what was the subject  
5 of what they were contacting you about?

6 A. The subject was the IPR of the  
7 '539 patent.

8 Q. Was it related to a declaration,  
9 a deposition or something else?

10 A. I think that's right, but I'm not  
11 100 percent sure.

12 Q. When you say "I think that's  
13 right," what is it you think is right?

14 A. You asked me if it was related to  
15 a declaration or a deposition or something  
16 else, and my response was, I think that's  
17 correct, it was related to a declaration, a  
18 deposition or something else.

19 Q. Was it related to a declaration?

20 A. Potentially yes, but I'm not  
21 sure.

22 Q. Was it related to a deposition?

23 A. Probably yes, but I'm not  
24 100 percent sure.

25 Q. I'm going to give you what was

1 filed as Paper 11 in this proceeding. And  
2 Paper 11 is titled, Decision Granting  
3 Institution of Inter Partes Review. And  
4 this is a filing from this proceeding, the  
5 00698 proceeding.

6 Dr. Schubert, do you recognize  
7 Paper 11?

8 A. Possibly yes, but I'm not  
9 100 percent sure.

10 Q. And so you're not sure whether  
11 you've seen Paper 11 before; is that your  
12 testimony?

13 A. Probably I've seen it before, but  
14 I'm not 100 percent sure.

15 Q. When do you believe you've seen  
16 it before?

17 A. I do not recall.

18 Q. And this, if you look on the  
19 front page, it's dated October 6, 2025.  
20 That might be helpful for you recognizing  
21 whether you've seen it before or not.

22 A. I thank you for making me aware  
23 of this.

24 Q. Did you review this document in  
25 preparation for your deposition today?

1           ATTORNEY SHAH: I guess let me  
2           interject that to the extent that it's  
3           something that counsel may have shown  
4           you, that's not something you should  
5           disclose, because that would be  
6           privileged.

7           But otherwise if you've looked at  
8           it, you can say yes or no.

9           THE WITNESS: I do not recall.

10          BY ATTORNEY BROWN:

11           Q. You never prepared a declaration  
12           responding to Paper 11, did you?

13           A. That is consistent with my  
14           recollection.

15           Q. Do you have an understanding as  
16           to why you never prepared a declaration  
17           responding to Paper 11?

18           ATTORNEY SHAH: Object as  
19           compound.

20           You can answer.

21           THE WITNESS: No.

22          BY ATTORNEY BROWN:

23           Q. But after your September  
24           deposition, you never submitted another  
25           declaration in these IPR proceedings; is

1 that right?

2 A. That is consistent with my  
3 recollection.

4 Q. I'm going to hand you what's  
5 marked as Exhibit 1169.

6 (Whereupon, Previously Marked  
7 Exhibit 1169 is identified for  
8 the record.)

9 BY ATTORNEY BROWN:

10 Q. I'll note that Exhibit 1169  
11 includes an exhibit stamp in the upper  
12 right-hand corner from a prior deposition.

13 Dr. Schubert, do you recognize  
14 Exhibit 1169?

15 A. Did you say "Exhibit 1169"?

16 Q. Yes. If you look in the lower  
17 right-hand corner, you will see the exhibit  
18 number that was assigned for the purposes  
19 of this IPR, and so that's where the  
20 exhibit number appears.

21 As you can see, there's also the  
22 Exhibit 12 stamp on there, which is from  
23 your October deposition in the district  
24 court matter.

25 And so my -- to ask my question

1 again: Do you recognize this exhibit?

2 A. Yes. I recognize it from my last  
3 deposition.

4 Q. Have you seen this document since  
5 your last deposition?

6 ATTORNEY SHAH: Well, I mean, let  
7 me interject. I want to make sure  
8 you're not asking privileged questions.

9 Can you maybe rephrase that in a  
10 way that would encompass things that  
11 may have been shown to him by his  
12 attorneys?

13 ATTORNEY BROWN: I'm not sure  
14 documents you showed him during  
15 preparation is privileged, but I can  
16 try to reask my question so that it  
17 doesn't bother you maybe.

18 First, are you representing  
19 Dr. Schubert?

20 ATTORNEY SHAH: I'm representing  
21 the -- Feit Electric, and he's the  
22 expert for Feit Electric --

23 ATTORNEY BROWN: Okay.

24 ATTORNEY SHAH: -- and part of  
25 the patent owner.

1 ATTORNEY BROWN: Okay.

2 ATTORNEY SHAH: But I appreciate  
3 it. I think there's certainly ways to  
4 get it. I just want to make sure that  
5 the way you broadly encompassed it is  
6 not the issue.

7 ATTORNEY BROWN: Yeah, I mean,  
8 obviously I'm trying to get at whether  
9 you prepared him on this stuff or not.

10 BY ATTORNEY BROWN:

11 Q. So since your October deposition,  
12 you know, without revealing who showed it  
13 to you, have you seen this document again,  
14 or was the last time you saw it during your  
15 October deposition?

16 A. Yeah, I think I seen it before.

17 Q. Since your October deposition?

18 A. Yes. Correct.

19 Q. And what is this exhibit?

20 A. It is a closeout memorandum.

21 Q. It's a closeout memorandum from  
22 the National Science Foundation, Office of  
23 Inspector General, Office of  
24 Investigations, right?

25 A. Right.

1 Q. Has the case number I09020004?

2 A. Can you repeat that number?

3 Q. Yes. In the -- in the upper  
4 left-hand corner, the case number is  
5 I09020004?

6 A. Yes.

7 Q. Do you recognize the  
8 investigation described in this closeout  
9 memorandum?

10 A. Can I hear the question again?

11 Q. Do you recognize the  
12 investigation described in this closeout  
13 memorandum?

14 A. I recognize the closeout  
15 memorandum.

16 Q. Do you recognize the fact pattern  
17 described in the closeout memorandum?

18 A. Can you go fact by fact, maybe?

19 Q. When you ask me to go fact by  
20 fact, what do you mean?

21 A. I meant that I proposed to talk  
22 about one fact after the other.

23 Q. So the first sentence says, "OIG  
24 opened this investigation based on an  
25 allegation that a principal investigator on

1 an NSF award had not disclosed to the  
2 awardee institution his interest in a small  
3 business he had founded with his wife."

4 And going on to the next  
5 sentence. "It was also alleged that the  
6 PI's company had misused funds received  
7 under a small business innovation research  
8 award from NSF."

9 Do you see that?

10 ATTORNEY SHAH: Why is this  
11 redacted?

12 ATTORNEY BROWN: It was redacted  
13 from the National Science Foundation  
14 given that the identity of individuals  
15 in institutions involved in the  
16 closeout memorandum is considered  
17 confidential by the NSF.

18 ATTORNEY SHAH: So you don't have  
19 an unredacted copy?

20 ATTORNEY BROWN: Correct.

21 ATTORNEY SHAH: So is it correct  
22 you don't know who those footnotes  
23 refer to then? Is that what the 1, 2,  
24 3, 4 are?

25 ATTORNEY BROWN: That's what the

1 1, 2, 3, 4 are. I do know who they  
2 refer to.

3 ATTORNEY SHAH: Do you have a  
4 copy then of --

5 ATTORNEY BROWN: No.

6 ATTORNEY SHAH: -- who this is  
7 referring to?

8 Okay.

9 THE WITNESS: Can I hear the  
10 question again?

11 BY ATTORNEY BROWN:

12 Q. Do you know who this closeout  
13 memorandum -- sorry, withdrawn.

14 So you've read this closeout  
15 memorandum just now, right?

16 A. Correct.

17 Q. Do you know who the principal  
18 investigator described in this closeout  
19 memorandum is?

20 A. I understand that the principal  
21 investigator is disclosed in Footnote 1.

22 Q. Do you know who the principal  
23 investigator described in this closeout  
24 memorandum is?

25 A. I'm unable to see Footnote 1,

1 because it is redacted.

2 Q. My question was whether you know  
3 who the principal investigator described in  
4 this closeout memorandum is.

5 Can you answer my question?

6 A. It could have been me, but I'm  
7 not certain.

8 Q. When you say it "could have been"  
9 you, why do you say it "could have been"  
10 you?

11 A. Based on my vague recollection.

12 Q. When you say based on your "vague  
13 recollection," what do you mean by that?

14 A. Based on my memory.

15 Q. Do you remember -- withdrawn.

16 What is it that you remember that  
17 makes you think that the principal  
18 investigator described in this closeout  
19 memorandum might be you?

20 A. Well, based on my understanding,  
21 the investigation is closed. The last  
22 sentence says, "This investigation is  
23 closed."

24 Furthermore, based on my  
25 understanding of this memorandum, there was

1 no misconduct of any kind. So the  
2 memorandum refers to a closed investigation  
3 that didn't reveal any misconduct, and so,  
4 therefore, I find this unremarkable, and my  
5 recollection, accordingly, is vague.

6 Q. What is it that you remember that  
7 makes you think that the principal  
8 investigator described in this closeout  
9 memorandum might be you?

10 A. As I said earlier, I made this  
11 statement based on my vague recollection.

12 Q. What is your vague recollection?

13 A. Well, it would be helpful to see  
14 Footnote Number 1 since, based on my  
15 understanding, additional information may  
16 be found in Footnote Number 1.

17 But given that I cannot see  
18 Footnote Number 1, the principal  
19 investigator may be me or someone else.

20 Q. It says that there was an  
21 allegation that a principal investigator on  
22 an NSF award had not disclosed to the  
23 awardee institution his interest in a small  
24 business he had founded with his wife.

25 Do you see that?

1 A. Yes, I see that sentence.

2 Q. Does that describe an allegation  
3 that was made against you?

4 A. I do not know.

5 Q. Has there ever been an allegation  
6 that you as a principal investigator on an  
7 NSF award had not disclosed to the awardee  
8 institution that your interest in a small  
9 business you had founded with your wife?

10 ATTORNEY SHAH: Object as  
11 compound and vague.

12 You can answer.

13 THE WITNESS: Can I hear the  
14 question again?

15 BY ATTORNEY BROWN:

16 Q. Has there ever been an allegation  
17 that you as a principal investigator on an  
18 NSF award had not disclosed to the awardee  
19 institution that your interest in a small  
20 business you had founded with your wife?

21 ATTORNEY SHAH: Same objections.

22 You can answer.

23 THE WITNESS: Can you possibly  
24 rephrase the question so that it's not  
25 a compound question?

1 BY ATTORNEY BROWN:

2 Q. I will do my best.

3 Are you aware -- well, let's do  
4 this: Did you ever found a small business  
5 with your wife?

6 A. Just me and my wife?

7 Q. Whether just you and your wife or  
8 you, your wife and others.

9 A. It sounds, again, like a compound  
10 question to me. You're asking me if I  
11 founded a small business with my wife.  
12 That's one question. And the other  
13 question is, did I found a small business  
14 with my wife and others.

15 So if you could break this up so  
16 that it's not a compound question, I would  
17 appreciate it.

18 Q. It actually wasn't a compound  
19 question. There was an "or." You were  
20 able to answer questions with "ors"  
21 earlier.

22 ATTORNEY SHAH: Well, let's not  
23 argue. If you can --

24 BY ATTORNEY BROWN:

25 Q. But I can rephrase.

1 ATTORNEY SHAH: Thank you.

2 BY ATTORNEY BROWN:

3 Q. Have you ever founded a company?

4 A. Myself or with others?

5 Q. Both.

6 Let's start, have you ever  
7 founded a company entirely on your own?

8 A. I do not recall.

9 Q. Have you ever founded a company  
10 with others?

11 A. I think that's right, yes.

12 Q. Could you name those companies?

13 A. Over the years, I believe I was  
14 involved in, like, a handful of startup  
15 companies, but I do not recall their names.

16 Q. Do you recall Troy Research  
17 Corporation?

18 A. That name rings a bell.

19 Q. How does it ring a bell?

20 A. I think I remember that name.

21 Q. That's a company you founded with  
22 your wife, isn't it?

23 A. I do not recall who the founders  
24 or cofounders were.

25 Q. You don't recall whether your

1 wife was involved in that company?

2 A. I believe she did the finances,  
3 but I'm not sure if she was a cofounder.

4 Q. Do you recall whether your son  
5 was involved with that company?

6 A. Possibly, yes, but I don't recall  
7 for sure. I don't recall 100 percent.

8 Q. What do you recall?

9 ATTORNEY SHAH: Object as  
10 compound.

11 THE WITNESS: I recall that the  
12 naming that you mentioned earlier, Troy  
13 Research Company or Corporation sounds  
14 about right. But there were also other  
15 startup companies that I was involved  
16 in.

17 BY ATTORNEY BROWN:

18 Q. And Troy Research Corporation is  
19 the small business that's described in  
20 Exhibit 1169, isn't it?

21 A. Potentially, yes, but I'm not  
22 sure.

23 Q. Why do you say "potentially,  
24 yes"?

25 A. Well, I wouldn't want to exclude

1 either possibility.

2 Q. Why would you not want to exclude  
3 either possibility?

4 A. Because my recollection is vague.

5 Q. Well, why is your recollection  
6 vague?

7 A. I think this dates back to a  
8 timeframe that is more than 10 years ago.

9 Q. So is your recollection of what  
10 was happening in 2008, 2009 vague because  
11 it was more than 10 years ago?

12 A. Can I hear the question again?

13 Q. Is your recollection of what was  
14 happening in 2008 or 2009 vague because it  
15 was more than 10 years ago?

16 ATTORNEY SHAH: Object as  
17 compound.

18 You can answer.

19 THE WITNESS: Well, 2008 and 2009  
20 is more than 15 years ago. And if you  
21 are referring to a timeframe of 2008  
22 and 2009, which is more than 15 years  
23 ago, my recollection is vague.

24 BY ATTORNEY BROWN:

25 Q. I'm going to give you what has

1 been previously marked as Exhibit 1192.

2 (Whereupon, Previously Marked  
3 Exhibit 1192 is identified for  
4 the record.)

5 BY ATTORNEY BROWN:

6 Q. And this also has an exhibit  
7 stamp from your prior deposition,  
8 Exhibit 13. You can take a moment to look  
9 at that, but once you've had a chance, let  
10 me know if you recognize Exhibit 1192.

11 A. Based on the exhibit number,  
12 Exhibit 13, I assume that I have seen this  
13 document before.

14 Q. This is a log of Freedom of  
15 Information Act requests from the National  
16 Science Foundation.

17 Do you see that?

18 A. Can I hear the question again?

19 Q. This is a log of Freedom of  
20 Information Act request from the National  
21 Science Foundation.

22 Can you see that?

23 A. Yes.

24 Q. And do you recall that during  
25 your September deposition, we talked in

1 some detail about FOIA requests that had  
2 been made by you?

3 A. Yes. I vaguely recall that you  
4 asked questions on FOIA, F-O-I-A, requests.

5 Q. You say that you "vaguely  
6 recall."

7 What do you mean by that?

8 A. I recall, but my recollection is  
9 not 100 percent certain.

10 Q. And that was six months ago,  
11 right?

12 A. Approximately, yes. I count five  
13 months, but six months is fine as well.

14 Q. If we go to Page 9 of  
15 Exhibit 1192, I want to direct your  
16 attention to the row with OIG FOIA  
17 Number 11-29. Let me know when you see  
18 that.

19 A. I see it.

20 Q. And in the requester's name  
21 field, it says E. Fred Schubert; is that  
22 right?

23 A. Correct.

24 Q. And these records were requested  
25 on January 12, 2011?

1 A. Correct.

2 Q. And it says that the completion  
3 date was February 7, 2011.

4 Do you see that?

5 A. Yes.

6 Q. And under --

7 ATTORNEY SHAH: Before you go too  
8 far, I just want to lodge an objection  
9 that this document seems incomplete, so  
10 we'll reserve our objection to the  
11 authentication and completeness of this  
12 document, but proceed.

13 ATTORNEY BROWN: In what way does  
14 it seem incomplete?

15 ATTORNEY SHAH: Well, for  
16 example, the entry at end here seems  
17 cut off, and there's no next page. But  
18 we can reserve that for later. I just  
19 wanted to make the objection to the  
20 document on the record.

21 ATTORNEY BROWN: This is the form  
22 that it was made available by the  
23 National Science Foundation. But we  
24 can get into that later.

25 ATTORNEY SHAH: Like I said,

1 we'll reserve our objections.

2 BY ATTORNEY BROWN:

3 Q. So turning, again, to the row  
4 with FOIA Number 11-29 under Requested  
5 Records.

6 Are you there?

7 A. Yes.

8 Q. And it says, "FOIA/Privacy Act  
9 request for a closeout  
10 memorandum/investigation report."

11 Do you see that?

12 A. Yes.

13 Q. And it says, "Reference Number  
14 I09020004"?

15 A. Sorry. I didn't hear a question.

16 Q. Looking at that row under  
17 Requested Records, it includes a reference  
18 number, and that reference number is  
19 I09020004.

20 Did I read that correctly?

21 A. Yes, you did.

22 Q. And that's the same case number  
23 that's on the closeout memorandum that is  
24 Exhibit 1169, correct?

25 A. Yes.

1 Q. So in 2011, you requested the  
2 closeout memorandum that is Exhibit 1169,  
3 correct?

4 ATTORNEY SHAH: Object as  
5 compound.

6 You can answer.

7 THE WITNESS: That's how it looks  
8 like. I do not have a recollection.  
9 But that's what it looks like.

10 BY ATTORNEY BROWN:

11 Q. You don't recall requesting a  
12 closeout memorandum regarding an  
13 investigation of you?

14 A. I think your question included  
15 the suggestion that the investigation was  
16 on me. I have no knowledge on that. It  
17 may have been on me; it may not have been  
18 on me. I don't know.

19 Q. When you say it may have been on  
20 you and it may not have been on you, how --  
21 I'll withdraw that question.

22 Who else could it have been on?

23 ATTORNEY SHAH: Object as  
24 compound. Calls for speculation.

25 But you can answer.

1 THE WITNESS: I don't know.

2 BY ATTORNEY BROWN:

3 Q. Why would you have requested a  
4 closeout memorandum for an investigation  
5 regarding somebody else?

6 ATTORNEY SHAH: Same objections.

7 You can answer.

8 THE WITNESS: It looks like the  
9 request was made in 2011. That is 15  
10 years ago, and I do not recall that  
11 request.

12 BY ATTORNEY BROWN:

13 Q. Do you recall the investigation  
14 that's described in the closeout memorandum  
15 that was requested by you?

16 A. If I understand you correctly,  
17 you indicated that the year of this  
18 investigation was 2008 and 2009, and my  
19 recollection is vague. It's more than 15  
20 years ago.

21 Q. I asked you about the NSF  
22 investigation during your September  
23 deposition -- actually, withdrawn. I'll  
24 ask a slightly different question.

25 During your September deposition,

1 I asked you many questions regarding a  
2 potential NSF investigation of you.

3 Do you remember that?

4 A. I do not.

5 Q. You don't remember the September  
6 deposition when I asked you about the FOIA  
7 request that you, your wife and Troy  
8 Research Corporation had made?

9 A. Well, your first question is  
10 different than your second question. If  
11 the first question you asked me about  
12 questions that you asked me during my  
13 deposition in 2025 relating to an  
14 investigation into me, and I do not recall  
15 if there was an investigation in to me.

16 I don't want to exclude it, but  
17 I'm unable to confirm that there was an  
18 investigation in to me. I do not have much  
19 knowledge about the investigations that the  
20 NSF conducts. I'm not part of the NSF.

21 ATTORNEY SHAH: Andy, whenever --  
22 whenever a good breaking point, just  
23 morning break, coffee, water, bio.

24 BY ATTORNEY BROWN:

25 Q. Is it fair to say that during

1 your September deposition, you were upset  
2 that I was asking you questions about an  
3 NSF investigation?

4 A. I would not agree with your  
5 characterization.

6 Q. Why wouldn't you agree with my  
7 characterization?

8 A. Well, before I answer the  
9 question, I would like to ask for a break.  
10 And --

11 Q. The question is pending. I'd  
12 like you to answer it.

13 A. Sure. I would not characterize  
14 my reaction to your questions in the manner  
15 that you characterized it.

16 Q. You called me a coward, didn't  
17 you?

18 A. Can you show me the record on  
19 that?

20 Q. It was off the record, wasn't it?  
21 You waited until the deposition was over.

22 Do you remember that?

23 A. So you have no record of it?

24 Q. Do you remember what happened six  
25 months ago?

1 A. I think this is an allegation.

2 Q. What do you think is an  
3 allegation?

4 A. You allege that I would have  
5 called you a coward. I think it's an  
6 allegation.

7 Q. Do you think it's an untrue  
8 allegation?

9 ATTORNEY SHAH: I mean, I'm going  
10 to object. This seems harassing and  
11 off point and off the scope of the  
12 issue on the '539 patent.

13 But -- and I did ask for a break.  
14 But, I mean, at some point, I do need  
15 to use the bathroom.

16 But continue, I guess, if you  
17 want to continue down this line.

18 BY ATTORNEY BROWN:

19 Q. During your September deposition,  
20 Mr. DaMario was the attorney defending you,  
21 right?

22 A. Could I have a break?

23 Q. Why do you want a break right  
24 now?

25 A. Because I would like to use the

1 bathroom.

2 Q. All right. We can take a break.

3 THE VIDEOGRAPHER: The time is  
4 11:04.

5 We're going off the record.

6 (Whereupon, a recess was taken at  
7 11:04 a.m.)

8 THE VIDEOGRAPHER: The time is  
9 11:16.

10 We are going back on the record.

11 BY ATTORNEY BROWN:

12 Q. Is it true that after we went off  
13 the record in your September deposition,  
14 that you called me a coward?

15 A. Well, let me say the following:  
16 I think, if I recall correctly, you alleged  
17 that I had committed fraud.

18 Furthermore, if I recall  
19 correctly, you alleged that I had committed  
20 misconduct; however, you failed to show any  
21 incidents of misconduct. I would like to  
22 say that I have never been found to have  
23 committed any type of misconduct.

24 Q. Was that a yes?

25 A. No, I didn't say yes.

1 Q. You gave a reason why you called  
2 me a coward, right?

3 A. No --

4 Q. Did you --

5 A. -- I did not.

6 Q. It's a very simple yes-or-no  
7 question.

8 Did you call me a coward?

9 ATTORNEY SHAH: I'll object to  
10 relevance.

11 But you can answer.

12 THE WITNESS: I thought that your  
13 conduct of alleging that I had  
14 committed fraud an untrue allegation.

15 BY ATTORNEY BROWN:

16 Q. Is it true that there was --

17 ATTORNEY SHAH: Were you finished  
18 with your answer?

19 THE WITNESS: No, I'm not  
20 finished.

21 BY ATTORNEY BROWN:

22 Q. Please go.

23 A. -- and I was surprised that  
24 somebody would allege fraud or misconduct  
25 against someone who has never been found to

1 have committed any act of fraud or  
2 misconduct. I was surprised. That's how I  
3 would characterize my reaction.

4 I wouldn't characterize it as  
5 upset, but I would characterize it as  
6 surprised.

7 Q. If we look at the closeout  
8 memorandum again, it says, "Review of those  
9 records disclosed that: One, the awardee  
10 institution was aware of the PI's interest  
11 in the small business and acted to mitigate  
12 any conflict of interest; and two, there  
13 was no evidence indicating that NSF award  
14 funds were misused or misappropriated."

15 Do you see that?

16 A. Yes, I do.

17 Q. So the NSF found that you did not  
18 commit fraud or any kind of misconduct;  
19 isn't that correct?

20 ATTORNEY SHAH: Object as  
21 compound. I think it misstates the  
22 document.

23 But you can answer.

24 THE WITNESS: Well, as I said  
25 earlier, this memorandum refers to a

1 principal investigator who is named in  
2 Footnote Number 1, and I'm unable to  
3 see Footnote Number 1, because it is  
4 redacted.

5 BY ATTORNEY BROWN:

6 Q. You requested this memorandum,  
7 though, didn't you? We just looked at the  
8 entry where you requested it.

9 A. Correct.

10 Q. And you have no explanation for  
11 why you would have requested this at this  
12 point in time? Is that -- you no longer  
13 remember why it was requested?

14 A. That is correct. I do not  
15 remember that request. It's 15 years ago.

16 Q. You were surprised after your  
17 September deposition.

18 Did you do anything after your  
19 September deposition to investigate or  
20 refresh your recollection regarding the NSF  
21 investigations?

22 A. No.

23 Q. Why not?

24 ATTORNEY SHAH: I'll object to  
25 compound and relevance.

1 But you can answer.

2 THE WITNESS: So do I understand  
3 the question correctly that you asked  
4 me why I did not investigate further  
5 the closeout memorandum that we have  
6 here in front of us after my  
7 September 2025 deposition?

8 BY ATTORNEY BROWN:

9 Q. No. Let me ask a better  
10 question, or try to.

11 During your September deposition,  
12 we discussed a large number of FOIA  
13 requests that were made by you, your wife  
14 and Troy Research Corporation regarding an  
15 investigation.

16 Do you remember that?

17 A. Did I understand you correctly  
18 that you referred in your question to a  
19 FOIA request that was made by Troy Research  
20 Corporation?

21 Q. There were hundreds of FOIA  
22 requests made by you, your wife and Troy  
23 Research Corporation.

24 A. Yeah. I mean, I don't recall it.  
25 Sorry. I don't recall any FOIA requests by

1 Troy Research Corporation.

2 Q. And you don't remember discussing  
3 them during your September deposition?

4 A. Not off the top of my head.

5 Q. You were surprised, because I  
6 asked you about an investigation into fraud  
7 or misconduct, right?

8 A. I would put it differently. I  
9 would put it in the following way: It  
10 appeared to me that you suggested that I  
11 had committed fraud or misconduct in  
12 conjunction with my professional work. And  
13 you made that suggestion without telling me  
14 what specifically the alleged fraud would  
15 have been, and I was surprised about that.

16 I still don't know, by the way,  
17 which fraud or what fraud, what type of  
18 fraud you allege me to have done. I still  
19 have no idea.

20 But nevertheless, you keep asking  
21 about fraud and -- and other misconduct.

22 But honestly speaking, when you say  
23 "fraud," I have absolutely no idea what  
24 you're talking about. You know, if you put  
25 your cards on the table and say, look, here

1 is a fraud, I would understand.

2 But, you know, I have never been  
3 found to have committed fraud.

4 Q. Have you ever been investigated  
5 for fraud or misconduct?

6 A. Well, I think you, your law firm.

7 Q. Other than me and my law firm,  
8 have you ever been investigated for fraud  
9 or misconduct?

10 ATTORNEY SHAH: Object as  
11 compound and vague.

12 You can answer.

13 THE WITNESS: I understand that  
14 Mr. David Radulescu from your law firm  
15 alleges a -- apparently alleges  
16 misconduct.

17 BY ATTORNEY BROWN:

18 Q. This hasn't been marked, but it  
19 should be Exhibit 1149 will be the next  
20 number.

21 ATTORNEY SHAH: At some point in  
22 this LED patent case, we're going to  
23 get to LEDs, right?

24 ATTORNEY BROWN: Maybe.

25 ATTORNEY SHAH: Okay.

1 (Whereupon, Exhibit 1194 is  
2 marked for identification.)

3 BY ATTORNEY BROWN:

4 Q. Dr. Schubert, do you recognize  
5 Exhibit 1194?

6 A. I think counsel sent the letter  
7 to me, and I looked at the heading, and I  
8 looked at the signature at the back, but I  
9 haven't read this document.

10 Q. Why didn't you read it?

11 ATTORNEY SHAH: Object as  
12 compound.

13 You can answer.

14 THE WITNESS: I had other things  
15 to do.

16 BY ATTORNEY BROWN:

17 Q. Do you understand that the -- the  
18 question I'm trying to get at today is not  
19 whether you committed fraud or misconduct,  
20 because I believe that the NSF closeout  
21 memo says very clearly that they did not  
22 find any wrongdoing.

23 Do you understand that?

24 A. Can I hear the question again?

25 Q. Do you understand that the

1 question I'm trying to get at today is not  
2 whether you committed fraud or misconduct,  
3 because I believe that the NSF closeout  
4 memo says very clearly that they did not  
5 find any wrongdoing.

6 Do you understand that?

7 A. I do not know the question that  
8 you are trying to get at. I have no  
9 knowledge on the question that you are  
10 trying to get at.

11 Q. Withdrawn. Let me -- sorry. Let  
12 me ask a -- try to ask that differently.

13 So you're very clear that you  
14 have never committed fraud or misconduct in  
15 your professional career and that you've  
16 never been found to commit fraud or  
17 misconduct in your professional career; is  
18 that right?

19 A. I would characterize it in the  
20 following way: Based on the best of my  
21 knowledge, I have never been found to have  
22 committed any type of misconduct.

23 Q. Have you ever been investigated  
24 for any kind of misconduct?

25 ATTORNEY SHAH: Object as

1 compound. Relevance.

2 You can answer.

3 THE WITNESS: I think, based on  
4 my understanding, your law firm -- the  
5 Radulescu law firm appears to be  
6 investigating me for an unknown type of  
7 fraud.

8 BY ATTORNEY BROWN:

9 Q. Is it unknown if you chose not to  
10 read the letter laying out exactly what the  
11 allegations were?

12 ATTORNEY SHAH: I mean, now we're  
13 just arguing with the witness. I'm  
14 going to ask you to withdraw that and  
15 ask a proper question, sir.

16 BY ATTORNEY BROWN:

17 Q. The question's still pending. I  
18 want you to answer it.

19 ATTORNEY SHAH: Object to the  
20 question as harassing and  
21 argumentative.

22 You can answer.

23 THE WITNESS: Can I hear the  
24 question again?

25 ///

1 BY ATTORNEY BROWN:

2 Q. Are the allegations unknown if  
3 you chose not to read the letter laying out  
4 exactly what the allegations were?

5 A. Sorry. I don't understand the  
6 question. If you can rephrase it in  
7 simpler terms, I would be happy to answer  
8 it. But the way it is asked, it's  
9 difficult to understand.

10 Q. So you testified that you didn't  
11 review the letter regarding allegations  
12 that there was an investigation by the NSF  
13 into you, correct?

14 A. You're referring to this letter  
15 here, February 3?

16 Q. Yes.

17 A. I did not read this letter. I  
18 cannot make a statement on a letter that I  
19 have not read.

20 Q. Why didn't you read it?

21 A. I had other things to do.

22 Q. How much time did you spend  
23 preparing for your deposition today?

24 A. My recollection is a couple of  
25 hours in March and maybe a day in

1 February -- one or two days in February.

2 Q. Do you remember when the one or  
3 two days in February would have been?

4 A. I do not recall the exact dates.

5 Q. Were you aware that Petitioners  
6 asked that you be prepared to testify  
7 regarding the allegations in that  
8 February 3 letter?

9 A. Can I hear the question again?

10 Q. Were you aware that Petitioners  
11 asked that you be prepared to testify  
12 regarding the allegations in that  
13 February 3 letter?

14 A. I have not read the February 3  
15 letter.

16 Q. Were you aware that petitioners  
17 had asked that you read the February 3  
18 letter and be prepared to testify regarding  
19 it?

20 ATTORNEY SHAH: Object as  
21 compound.

22 THE WITNESS: I cannot make  
23 statements on this letter, because I  
24 have not read the letter.

25 ///

1 BY ATTORNEY BROWN:

2 Q. Were you asked to read the  
3 letter?

4 A. I think I was given the freedom  
5 to read the letter, and the letter was  
6 provided to me -- I think the letter was  
7 provided to me. I'm not sure if it's  
8 exactly the same letter.

9 But I received a letter from  
10 counsel, and I received exhibits that,  
11 based on my understanding, we had  
12 associated with the letter.

13 But as I said, I'm unable to make  
14 statements on the letter that I have not  
15 read.

16 Q. Did you review any of the  
17 exhibits?

18 ATTORNEY SHAH: The exhibits to  
19 this letter?

20 ATTORNEY BROWN: Yes, the  
21 exhibits to the letter.

22 THE WITNESS: No, I did not  
23 review them, but I just stored them in  
24 a folder along with the letter.

25 ///

1 BY ATTORNEY BROWN:

2 Q. And you didn't do anything else  
3 to refresh your recollection regarding the  
4 possibility that the NSF had investigated  
5 you in this timeframe?

6 A. Which timeframe?

7 Q. Roughly the 2008-to-2011  
8 timeframe. I think the investigation was  
9 actually 2008 to 2009, but you requested  
10 the closeout memo, of course, in 2011?

11 A. And I'm sorry. What is the  
12 question?

13 Q. The question is what you did to  
14 refresh your recollection, if anything,  
15 regarding that investigation.

16 A. During my preparation for the  
17 present deposition?

18 Q. Yes. Or in the time period since  
19 your first deposition. Didn't necessarily  
20 need to be in a formal prep session.

21 A. I do not recall any preparation  
22 with respect to NSF closeout memorandum of  
23 an apparent investigation that you say took  
24 place in 2008 and 2009.

25 Q. You were the director of the

1 Smart Lighting Engineering Research Center  
2 at RPI in 2008 and 2009, right?

3 A. I think that's correct.

4 Q. And we discussed your time as the  
5 director of the Smart Lighting ERC during  
6 your September deposition, correct?

7 A. Can I hear the question again?

8 Q. We discussed your time as the  
9 director of the Smart Lighting ERC during  
10 your September deposition, correct?

11 A. I don't know what you mean by "we  
12 discussed your time as director."

13 What do you mean by that?

14 Q. I asked you questions about how  
15 you became the director of the ERC and why  
16 your tenure was so short.

17 Do you remember that?

18 A. The question that you just asked  
19 sounds like a compound question to me, and  
20 I would appreciate if you could ask me one  
21 question at a time.

22 Q. You were the director of the ERC  
23 in 2008 and 2009, correct?

24 A. I was the director during part of  
25 2008, and I was director during part of

1 2009, that's correct.

2 Q. When in 2009 did you become no  
3 longer the director?

4 A. I don't recall the month.

5 Q. Do you recall why it was you  
6 became no longer the director?

7 A. So that's 2009. So more than 15  
8 years ago. I think my recollection is  
9 vague, because it's a long time ago.

10 Q. That's what you said during your  
11 first deposition too, isn't it?

12 A. I don't remember. If you can  
13 show me something what I said during my  
14 first deposition, I'm happy to look at it.  
15 But off the top, I do not recall statements  
16 that I made during my deposition in  
17 September 2025.

18 Q. Between -- excuse me.

19 Between then and now, did you try  
20 to do anything to refresh your recollection  
21 as to how it was you became no longer the  
22 director of the ERC?

23 A. I do not recall any activity in  
24 that regard.

25 Q. Is there -- is there any medical

1 reason that your memory would be impaired?

2 ATTORNEY SHAH: I'm going to  
3 object as compound and suggesting that  
4 his memory is impaired.

5 You can answer.

6 THE WITNESS: I'm not sure what  
7 you're referring to when you say my  
8 memory is "impaired."

9 BY ATTORNEY BROWN:

10 Q. Does that mean that there's no  
11 medical reason why your memory would be  
12 impaired?

13 ATTORNEY SHAH: Again, same  
14 thing. It's argumentative. But I'll  
15 object as compound to the suggestion  
16 that there's a medical issue, an  
17 impairment.

18 You can answer.

19 BY ATTORNEY BROWN:

20 Q. Let me -- let me ask a slightly  
21 different reason -- different question.

22 Is there a reason why you have  
23 difficulty remembering things?

24 ATTORNEY SHAH: Same objection.

25 Compound. Vague. Misstates the

1 record.

2 You can answer.

3 THE WITNESS: I think if things  
4 are a long time ago, like 2008 and if  
5 these events that you're referring to  
6 like in 2008, if they are long time  
7 ago -- like, 2008 is, like, 15, 16, 17  
8 years ago. After a long time, memory  
9 becomes a little bit more vague.

10 ATTORNEY BROWN: Let's take a  
11 10-minute break, if that's okay.

12 ATTORNEY SHAH: Yeah.

13 THE VIDEOGRAPHER: The time is  
14 11:46.

15 We're going off the record.

16 (Whereupon, a recess was taken at  
17 11:46 a.m.)

18 THE VIDEOGRAPHER: The time is  
19 11:53.

20 We're going back on the record.

21 BY ATTORNEY BROWN:

22 Q. So, Dr. Schubert, you said that  
23 you had a vague recollection of the end of  
24 your tenure as the director of the ERC just  
25 a few minutes ago.

1 Do you remember that?

2 A. Yes.

3 Q. And what is your vague  
4 recollection?

5 A. Well, generally over the period  
6 of my professional career, I had a number  
7 of positions, maybe 5 to 10 different  
8 positions.

9 And these positions have a  
10 starting date, and they have an ending  
11 date. And positions end for various  
12 reasons, and they start for various  
13 reasons.

14 And so I think if there is  
15 nothing really remarkable about certain  
16 professional positions or obligations to  
17 have a starting date and an ending date,  
18 that's how it is.

19 For example, at some point, a  
20 person will decide to retire, and then the  
21 position ends. At some point in time, a  
22 professor will decide to retire or may  
23 decide to retire.

24 And I'm not sure if there is,  
25 like, a -- anything remarkable about it.

1 And that's how I see it with the positions  
2 that I had during my professional career.  
3 I was a doctoral student. I was a  
4 postdoctoral fellow.

5 I was a principal investigator in  
6 industry. I was a member of management at  
7 AT&T. I was a member of technical staff.  
8 I was the codirector of a silicon  
9 fabrication facility. I was a professor at  
10 Boston University. And I had various  
11 positions at RPI.

12 And these positions just started  
13 some point in time, and they ended at some  
14 point in time. And I'm not sure if there  
15 is a recollection on my side as to when and  
16 why all these positions started or ended.  
17 It just happens that they do.

18 Q. So did you retire as the director  
19 of the ERC then?

20 A. No, I'm not retired. I am still  
21 active professor. I'm an active tenured  
22 full professor at RPI to the present date.

23 Q. Did you resign as director of the  
24 ERC?

25 A. So if I understand you correctly,

1 you're talking about the year 2009. And as  
2 I said earlier, my recollection is  
3 relatively vague when it comes to events  
4 that have been a long time ago. And by "a  
5 long time ago," I mean in this particular  
6 case, more than 15 years.

7 ATTORNEY BROWN: All right. I'll  
8 hand over the witness.

9 ATTORNEY SHAH: All right. Give  
10 me two minutes.

11 ATTORNEY BROWN: Okay.

12 ATTORNEY SHAH: You caught me off  
13 guard there.

14 Thank you. Give me two minutes,  
15 and then we'll be back in a second.

16 THE VIDEOGRAPHER: The time is  
17 11:58.

18 We are going off the record.

19 (Whereupon, a recess was taken at  
20 11:58 a.m.)

21 THE VIDEOGRAPHER: The time is  
22 12:02.

23 We're going back on the record.

24 ATTORNEY SHAH: Thank you very  
25 much. Patent owners have no questions.

1 We deem this deposition closed.

2 THE VIDEOGRAPHER: This is the  
3 videographer. Before we conclude for  
4 the day, I'm just going to ask counsel  
5 to state on the record if they are  
6 requesting a copy of the video as of  
7 today. And if so, if you wish for it  
8 to be synced to the transcript. And if  
9 you could state your name, please.

10 ATTORNEY BROWN: For Petitioners,  
11 we just need a copy of the video. No  
12 physical media, no sync.

13 ATTORNEY SHAH: For Patent  
14 Owners, we will get back to you. I  
15 think right now I just need the written  
16 transcript. If I need a video, I'll  
17 let you know.

18 THE VIDEOGRAPHER: Okay. The  
19 time is 12:02. This concludes today's  
20 deposition. We are going off the  
21 record.

22 (Time noted: 12:03 p.m.)  
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REPORTER CERTIFICATE

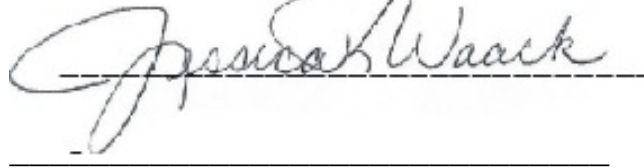
I, the undersigned, do hereby certify:

That E. FRED SCHUBERT was by me duly sworn in the within-entitled cause; that said deposition was taken at the time and place herein named; and that the deposition is a true record of the witness's testimony as reported by me, a disinterested person, and thereafter was transcribed.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March, 2026.

Signature: Requested Waived  Not Requested



JESSICA R. WAACK

Registered Diplomate Reporter

Certified Realtime Reporter

California Certified Realtime Reporter

New York Realtime Court Reporter

New York Association Court Reporter

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CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)

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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1 DECLARATION UNDER PENALTY OF PERJURY  
2 SAVANT TECHNOLOGIES VS. FEIT ELECTRIC  
3 Date of Deposition: March 13, 2026  
4  
5

6 I, E. FRED SCHUBERT, hereby  
7 certify under penalty of perjury under the  
8 laws of the State of \_\_\_\_\_ that  
9 the foregoing is true and correct.

10  
11 Executed this \_\_\_\_ day of \_\_\_\_\_, 2026,  
12 at \_\_\_\_\_.

13  
14  
15 \_\_\_\_\_  
16 E. FRED SCHUBERT

17  
18 SUBSCRIBED AND SWORN BEFORE ME

19 THIS \_\_\_ DAY OF \_\_\_\_\_, 20

20 \_\_\_\_\_  
21 NOTARY PUBLIC

22 MY COMMISSION EXPIRES: \_\_\_\_\_  
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ERRATA SHEET

SAVANT TECHNOLOGIES VS. FEIT ELECTRIC

WITNESS: E. FRED SCHUBERT

Date of Deposition: March 13, 2026

- Reason Codes: 1. Clarify the record
- 2. Conform to the facts
- 3. Correct transcription errors

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E. FRED SCHUBERT

E. Fred Schubert - March 13, 2026

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