

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

GOOGLE LLC,) CASE NOS.
Petitioner,) IPR2023-00707
vs.) IPR2023-00708
DDC TECHNOLOGY, LLC,) IPR2023-00709
Patent Owner.) IPR2023-00711
_____)

CONFIDENTIAL - PROTECTIVE ORDER MATERIAL
VIDEO DEPOSITION OF PATRICK BUCKLEY
March 27, 2024

REPORTED BY:
COLLEEN P. DOHERTY, CSR 345
Notary Public

1 THE VIDEO DEPOSITION OF PATRICK BUCKLEY was
2 taken on behalf of the Petitioner, at the offices of
3 Associated Reporting & Video, a Veritext Company,
4 located at 1109 Main Street, Suite 220, Boise, Idaho,
5 commencing at 9:38 a.m., on March 27, 2024, before
6 Colleen P. Doherty, Certified Shorthand Reporter and
7 Notary Public within and for the State of Idaho, in the
8 above-entitled matter.

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A P P E A R A N C E S (Continued):

For the Patent Owner, DDC Technology, LLC:

KENT & RISLEY, LLC

BY MR. CORTNEY ALEXANDER

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THE VIDEOGRAPHER: Mia Shrosbree

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I N D E X

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(Referenced marked in previous depositions)

Exhibit 1001 Copy of United States Patent Buckley, Patent No. US 9,420,075 B2, August 16, 2016, Google Ex. 1001, p. 001 through 019	63
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1 THE VIDEOGRAPHER: We are on the record. 09:37:56

2 Today's date is March 27th, 2024, and the time is 9:38 09:38:05

3 a.m. For the record, this is the videotaped deposition 09:38:11

4 of Patrick Buckley, taken by the petitioner, in the 09:38:15

5 matter of Google, LLC, versus DDC Technology, LLC, Case 09:38:23

6 No. IPR 2023-00708, before the Patent Trial and Appeal 09:38:31

7 Board. 09:38:36

8 MR. KIKLIS: If I could interrupt. It is 09:38:36

9 actually four cases; 00707, 00708, 00709, and 00711. 09:38:38

10 THE VIDEOGRAPHER: Thank you. 09:38:38

11 MR. KIKLIS: It's a consolidated deposition. 09:38:43

12 THE VIDEOGRAPHER: Thank you. 09:38:43

13 The videotaped deposition is being held at the 09:38:46

14 offices of Associated Reporting & Video, whose address 09:38:51

15 is 1109 Main Street, Suite 220, in Boise, Idaho. The 09:38:56

16 videotaped deposition is being recorded by Mia 09:38:57

17 Shrosbree, and reported by Colleen P. Doherty, of 09:39:04

18 Associated Reporting & Video, a Veritext Company. 09:39:06

19 Will counsel please state their appearances 09:39:09

20 and any stipulations for the record. 09:39:12

21 MR. KIKLIS: Michael Kiklis from Kiklis & 09:39:14

22 Clark for Google. With us remotely is Andy Nguyen from 09:39:18

23 Google, and Mark Liang, from O'Melveny & Myers. 09:39:22

24 MR. ALEXANDER: Cortney Alexander for DDC 09:39:26

25 Technology and the witness. 09:39:26

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1 THE VIDEOGRAPHER: Okay. With that, will the 09:39:26
2 court reporter please swear the witness. 09:39:32

3 PATRICK BUCKLEY,
4 first duly sworn to tell the truth relating to said
5 cause, testified as follows:

6 EXAMINATION

7 QUESTIONS BY MR. KIKLIS:

8 Q. Good morning, Mr. Buckley. 09:39:43

9 A. Good morning. 09:39:46

10 Q. How are you this morning? 09:39:46

11 A. Good. 09:39:46

12 Q. Good. My name is Mike Kiklis. I represent 09:39:49
13 Google in these matters. And I'll be asking you some 09:39:52
14 questions today. And your obligations here to testify 09:39:56
15 truthfully and honestly. Can you do that for me? 09:40:01

16 A. Yes. 09:40:04

17 Q. And now that you have been sworn in, there is 09:40:04
18 a rule at the patent office, that you cannot talk about 09:40:07
19 this deposition or your testimony to anybody, including 09:40:07
20 your counsel until I pass the witness. Are you aware of 09:40:11
21 that rule? 09:40:14

22 A. I am now. 09:40:15

23 Q. Okay. So not on your cell phone, not to your 09:40:16
24 lawyer, nobody. Okay? 09:40:20

25 Now, is there any reason why you can't testify 09:40:22

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1	truthfully today?	09:40:25
2	A. I can't think of any reason.	09:40:26
3	Q. Are you on any intoxicants --	09:40:27
4	A. Not that I'm aware of.	09:40:30
5	Q. -- drugs, or alcohol, or anything?	09:40:32
6	Not that you're aware of?	09:40:34
7	A. Not that I'm aware of.	09:40:36
8	Q. Okay. Well, you either know. You either do	09:40:36
9	know or you don't?	09:40:36
10	A. Well, how do you define "intoxicant"? I'm	09:40:41
11	drinking coffee right here, so...	09:40:44
12	Q. I think you understand what the term	09:40:50
13	"intoxicant" means. It doesn't include coffee. So do	09:40:53
14	you have an understanding of the word "intoxicant"?	09:40:58
15	A. No.	09:40:59
16	Q. You don't have an understanding of the word	09:41:00
17	"intoxicant"?	09:41:01
18	A. No.	09:41:01
19	Q. Really?	09:41:02
20	A. Different people have different meanings for	09:41:03
21	the word "intoxicant," so...	09:41:07
22	Q. You don't have any understanding for the word	09:41:07
23	"intoxicant"?	09:41:10
24	A. I don't believe there is anything that is	09:41:10
25	impairing my ability to answer your questions, if that's	09:41:10

1	what you are trying to get at.	09:41:10
2	Q. Have you ever been deposed before?	09:41:16
3	A. Yes.	09:41:17
4	Q. When?	09:41:17
5	A. I don't remember the exact date.	09:41:20
6	Q. What was it regarding?	09:41:27
7	A. It was regarding a -- some sort of patent	09:41:31
8	case, which I wasn't a party to.	09:41:39
9	Q. And what were you being deposed for?	09:41:42
10	A. I don't recall exactly. It was something	09:41:46
11	related to products that my company at the time made.	09:41:54
12	Q. What company is this?	09:41:58
13	A. DODOcase.	09:42:00
14	Q. DODOcase. How many years ago?	09:42:05
15	A. I don't recall exactly, but I could give you a	09:42:09
16	rough estimate.	09:42:13
17	Q. What's your estimate?	09:42:14
18	A. About eight or nine years ago, maybe longer.	09:42:22
19	Q. What products were involved?	09:42:28
20	A. I don't recall specific products, but they	09:42:30
21	were iPad case cases basically, cases for tablets.	09:42:36
22	Q. Was DODOcase the defendant or the plaintiff?	09:42:40
23	A. Neither.	09:42:44
24	Q. It was a third party?	09:42:45
25	A. Correct.	09:42:46

1 Q. What was their role? 09:42:47

2 A. Sorry. Roles? 09:42:50

3 Q. What were they doing in the litigation? Why 09:42:52

4 were they being deposed? 09:42:55

5 A. They weren't being deposed. I was being 09:42:57

6 deposed. 09:43:00

7 Q. Why were you being deposed? 09:43:01

8 A. Honestly, I don't know. I wasn't party to 09:43:03

9 the -- I wasn't party to the -- 09:43:07

10 Q. But you knew the -- 09:43:07

11 A. -- proceedings. 09:43:09

12 Q. But you knew the kinds of questions that they 09:43:09

13 asked you; right? 09:43:12

14 A. I have a -- I have a vague recollection of the 09:43:13

15 type of questions, yes. 09:43:17

16 Q. Okay. What were they asking you about? 09:43:18

17 A. They were asking me about how accessories for 09:43:21

18 iPads were manufactured, specifically how DODOcase 09:43:36

19 manufactured its products. 09:43:43

20 Q. So this is a patent case; is that right? It 09:43:45

21 was a patent case? 09:43:49

22 A. I don't recall, but I believe it was. But 09:43:52

23 I -- again, because I wasn't a party to it, I didn't pay 09:43:55

24 much attention to specifics of the case. 09:43:59

25 Q. Did you read a patent as part of your work on 09:44:01

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1 that case? 09:44:04

2 A. I don't recall. 09:44:05

3 Q. Okay. 09:44:09

4 A. I -- I don't recall. 09:44:10

5 Q. Have you been deposed any other time, besides 09:44:12

6 the one you just mentioned? 09:44:17

7 A. Not that I can remember. 09:44:19

8 Q. Well, you would remember something like that; 09:44:21

9 right? 09:44:21

10 A. I think I would. 09:44:27

11 Q. So you probably know the rules for a 09:44:28

12 deposition, but I'm going to cover them anyways. So 09:44:33

13 what I want you to do is to wait for me to finish asking 09:44:36

14 my question before you begin answering. And that way, 09:44:39

15 this young lady over here, our court reporter, will do 09:44:42

16 a -- it will be easier for her to do her job. If we're 09:44:46

17 talking over each other, it's very difficult. Okay? So 09:44:51

18 if you could wait for me to finish asking my questions, 09:44:54

19 that would be great. Okay? 09:44:58

20 A. Yeah. 09:44:59

21 Q. You are going to have to verbalize your 09:44:59

22 answers. I think you already know that. And if I'm 09:45:03

23 unclear, let me know. I will try to clarify it for you. 09:45:06

24 Okay? 09:45:10

25 A. Okay. 09:45:10

1 Q. We'll try to go an hour or so before taking a 09:45:11
2 break. As long as -- if you need to take a break 09:45:14
3 sooner, that's fine, just let me know. As long as there 09:45:16
4 isn't a question pending, then we can do that. Okay? 09:45:20
5 A. It sounds good. 09:45:23
6 Q. All right. Have you ever been arrested 09:45:24
7 before? 09:45:28
8 A. I don't believe so. 09:45:29
9 Q. I mean, that's something you would know. You 09:45:33
10 either were or you weren't. Were you ever arrested 09:45:36
11 before? 09:45:40
12 A. Define arrested. 09:45:40
13 Q. Do you have an understanding of the term 09:45:42
14 "arrest"? 09:45:44
15 A. No, I don't. I mean -- 09:45:45
16 Q. You don't? You don't know what it means to be 09:45:47
17 arrested? 09:45:50
18 A. No. 09:45:51
19 Q. You have no idea? Is English your first 09:45:51
20 language? 09:45:58
21 A. Yes. 09:45:58
22 Q. And you went to school in the United States; 09:45:59
23 is that right? 09:46:01
24 A. Yes. 09:46:01
25 Q. Okay. And you don't understand the word 09:46:02

1	"arrest"?	09:46:04
2	A. I understand it to have multiple meanings.	09:46:05
3	Q. Okay. What does it mean to you?	09:46:09
4	A. It would depend on the context in which it was	09:46:11
5	used.	09:46:15
6	Q. Okay. What are the contexts?	09:46:15
7	A. Arrest could mean to stop.	09:46:18
8	Q. Arrest in the context of criminal activity?	09:46:22
9	A. Uh-huh.	09:46:27
10	Q. You didn't understand my question to include	09:46:27
11	it in that context?	09:46:29
12	A. Would you --	09:46:31
13	Q. Let me ask it this --	09:46:31
14	A. Can I ask a clarifying --	09:46:33
15	Q. -- way. Have you ever been arrested by any	09:46:34
16	police organization, whether local, state, or federal?	09:46:38
17	A. I have been stopped for speeding tickets.	09:46:42
18	Q. Okay. Beyond that?	09:46:46
19	A. Not to my recollection.	09:46:49
20	Q. Have you ever been sued?	09:46:51
21	A. No, I don't believe so.	09:47:02
22	Q. You don't believe so. So you are not aware of	09:47:06
23	ever having been sued in your personal capacity?	09:47:09
24	A. In my personal capacity, no, I don't think so.	09:47:14
25	Q. Okay. Have you ever testified at trial, any	09:47:18

1	trial?	09:47:25
2	A. Any trial. I don't recall ever	09:47:27
3	testimony -- testifying at any trial.	09:47:42
4	Q. So you've never been in a court, inside a	09:47:43
5	courtroom for any reason?	09:47:46
6	A. I've been inside of a courtroom.	09:47:49
7	Q. For what reason?	09:47:51
8	A. For hearings.	09:47:52
9	Q. Pertaining to what?	09:48:09
10	A. Court proceedings.	09:48:17
11	Q. Yes, pertaining to what court proceedings?	09:48:20
12	A. When I was young, my parents went through a	09:48:26
13	divorce. So I may have been present in --	09:48:33
14	Q. Besides --	09:48:33
15	A. -- those court proceedings.	09:48:36
16	Q. Besides that? I don't want to know about your	09:48:38
17	parents' divorce.	09:48:43
18	A. I don't -- I can't name the specific	09:48:44
19	proceedings in totality, my recollection. But I could	09:48:52
20	name at least one specific, if that's helpful?	09:48:57
21	Q. Yes.	09:48:57
22	A. I was in the San Francisco federal courthouse	09:49:05
23	for a proceeding with MerchSource and --	09:49:09
24	Q. Okay. Besides the MerchSource case, were you	09:49:16
25	in a courtroom for any other reason?	09:49:19

1 A. I don't recall any other -- any other 09:49:22

2 proceedings, but there may have been others, but I 09:49:30

3 don't -- 09:49:34

4 Q. Well, if during the -- 09:49:34

5 A. That's the one that stands out in my memory. 09:49:36

6 Q. Okay. If during the rest of this deposition, 09:49:40

7 it comes to your mind, just let me know. Okay? 09:49:42

8 A. Sure. 09:49:46

9 Q. All right. 09:49:46

10 (Exhibit 2034 "Confidential - Protective Order 09:49:46

11 Material" referenced.) 09:49:46

12 Q. (BY MR. KIKLIS) Now, I'm going to hand you 09:49:47

13 what's been an exhibit to the case. I'm handing the 09:49:48

14 witness Exhibit 2034. 09:49:52

15 MR. KIKLIS: Do you want to just look that up 09:49:57

16 on your computer, Cortney, or do you want a copy? 09:49:59

17 MR. ALEXANDER: If you have a copy, I'll take 09:50:07

18 it. 09:50:09

19 Q. (BY MR. KIKLIS) Do you recognize that? 09:50:11

20 A. I do. 09:50:17

21 Q. What is it? 09:50:18

22 A. It looks like an email chain between myself 09:50:19

23 and some employees at Google. 09:50:22

24 Q. Okay. 09:50:27

25 A. And my cofounder, Craig Dalton. 09:50:35

16

1 Q. (BY MR. KIKLIS) You can answer the question. 09:51:54

2 MR. ALEXANDER: I have an objection, because I 09:51:56

3 believe it's outside the scope. 09:51:59

4 MR. KIKLIS: Your objection is noted. 09:52:00

5 Q. (BY MR. KIKLIS) [REDACTED] [REDACTED]

6 [REDACTED] 09:52:04

7 MR. ALEXANDER: Before you answer. The scope 09:52:06

8 of a deposition of the PTAB is -- 09:52:09

9 MR. KIKLIS: I don't want to hear any speaking 09:52:10

10 from you. You are allowed one word objections. 09:52:13

11 THE WITNESS: I -- I don't recall. 09:52:17

12 Q. (BY MR. KIKLIS) [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] 09:52:44

22 Q. Okay. So I would like to now direct your 09:52:55

23 attention to Exhibit 2034. Now, I'm going to work 09:52:58

24 through this chronologically. 09:53:01

25 A. So starting from the back? 09:53:05

1 Q. From the bottom, yes. And the first email I 09:53:10
2 see is from you and Craig on July 10th, 2014, at 10:07 09:53:18
3 p.m.; is that right? 09:53:28
4 A. That's -- that's not correct. 09:53:46
5 Q. Okay. What is the date and time of the email? 09:53:51
6 A. July 10th, 2014, 10:07, but the email is not 09:53:53
7 from Craig and I. It's from myself. 09:54:00
8 Q. Oh, I see. Although, it's signed from Patrick 09:54:03
9 and Craig; right? 09:54:08
10 A. It is signed from -- 09:54:09
11 Q. Okay. 09:54:09
12 A. -- Patrick and Craig. But it was sent by me. 09:54:11
13 Q. Understood. Okay. Now, if you scroll down 09:54:14
14 several paragraphs, there is a URL, three paragraphs 09:54:22
15 below that. It says -- there is a paragraph that says, 09:54:28
16 "Would love any feedback." Do you see where that is? 09:54:36
17 A. I think so. 09:54:39
18 Q. You either do or you don't. 09:54:40
19 A. I'm looking at a place that says, "Would love 09:54:42
20 any feedback." 09:54:48
21 Q. Okay. In fact, it says, "Would love any 09:54:48
22 feedback you have on the artwork we are finalizing for 09:54:50
23 the headset and the outer packaging." 09:54:50
24 Did I read that right? 09:54:56
25 A. Yes. 09:54:58

1 Q. Okay. So you are soliciting Google's feedback 09:54:58
2 there; aren't you? 09:55:04
3 A. It would appear so, yes. 09:55:05
4 Q. Well, you were or you weren't? I mean, you 09:55:06
5 wrote this; right? 09:55:09
6 A. I do recall writing this. 09:55:10
7 Q. Okay. So you were soliciting their input; 09:55:13
8 right? I guess the problem I'm having, sir, is you are 09:55:16
9 being very cagey with answers that should be simple, yes 09:55:22
10 or no, to you. You wrote this email. The plain reading 09:55:29
11 of the words are that you are seeking -- you are seeking 09:55:33
12 information from Google, feedback, in fact. 09:55:38
13 Now, and you're testimony is, "it would appear 09:55:43
14 so." It either does, you either are requesting feedback 09:55:46
15 from Google, or you are not? 09:55:52
16 A. I would -- I'm trying to remember the frame of 09:55:54
17 mindset here. Because when you say "soliciting 09:56:01
18 feedback," sometimes you ask somebody something, you are 09:56:04
19 not really looking for their feedback. You are just 09:56:09
20 trying to help them feel like they are participating in 09:56:12
21 the process. Maybe you are trying to win them over. 09:56:16
22 Maybe you are trying to make them feel like they are 09:56:22
23 participating. So it's a, I guess, a -- there is a 09:56:27
24 deeper question inside of your question, and I'm just 09:56:33
25 trying to understand it better. 09:56:36

1 Q. Well, the words mean what they say. You are 09:56:37
2 soliciting their feedback; aren't you? 09:56:42
3 A. It says, "Would love any feedback." At the 09:56:47
4 time I recall asking lots of people questions like this. 09:56:55
5 Some people, I wanted, cared about their input. And 09:57:01
6 some people, I didn't. I just wanted them to feel like 09:57:04
7 they were participating in the process. 09:57:08
8 Q. Well -- 09:57:12
9 A. So can you be clear with your question, I 09:57:13
10 guess, about when you say, you were asking for their 09:57:15
11 feedback? 09:57:17
12 Q. It can't be any clearer. That sentence says, 09:57:19
13 "Would love any feedback you have on the artwork we're 09:57:23
14 finalizing for the headset and the outer packaging." 09:57:26
15 I read that right; right? 09:57:29
16 A. Yes. 09:57:31
17 Q. Okay. You were seeking feedback from Google; 09:57:31
18 weren't you? 09:57:35
19 A. Well, yeah, there is times my wife asks me for 09:57:36
20 feedback about what she's wearing. And she's not really 09:57:40
21 looking for my feedback. Just as an example in the type 09:57:44
22 of situation, I'm, you know, trying to illustrate here. 09:57:48
23 So she's not really looking for my feedback. She's just 09:57:52
24 asking me a question. And she expects me to say, "You 09:57:56
25 look nice." And she's not really looking for my 09:57:59

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1 feedback, and you know what I mean? That's, I think you 09:58:02
 2 have to recognize that just because someone poses a 09:58:04
 3 question like this, doesn't necessarily mean that they 09:58:09
 4 are looking for feedback. 09:58:12
 5 Q. But this is a professional setting. And you 09:58:14
 6 are dealing with one of the largest high-tech companies 09:58:16
 7 in the world. And your testimony is that you may have 09:58:19
 8 been lying; is that what you are saying? 09:58:23
 9 MR. ALEXANDER: Objection. 09:58:25
 10 MR. KIKLIS: That's what he's saying. 09:58:27
 11 MR. ALEXANDER: He did not. 09:58:29
 12 Q. (BY MR. KIKLIS) So do you often lie in 09:58:31
 13 professional circumstances? 09:58:33
 14 A. When -- sorry. Could you ask that question 09:58:36
 15 again? 09:58:38
 16 MR. KIKLIS: Could you repeat the question 09:58:38
 17 back? 09:58:52
 18 (The reporter read back the following 09:58:52
 19 requested testimony: "Q. But this is a professional
 20 setting. And you are dealing with one of the largest
 21 high-tech companies in the world. And your testimony is
 22 that you may have been lying; is that what you are
 23 saying?")
 24 THE WITNESS: No, that's not what I'm saying. 09:58:53
 25 Q. (BY MR. KIKLIS) Well, you are saying the 09:58:56

1 words mean something other than what are on the paper, 09:58:59
2 potentially, but you don't know. Is that what your 09:59:02
3 testimony is? 09:59:06

4 A. What I'm saying is, there is different 09:59:06
5 motivations for asking a question like this. Soliciting 09:59:08
6 feedback could be one, but there also could be others. 09:59:13

7 Q. I'm asking you specifically in this instance? 09:59:16

8 A. I do recall that Google had a certain amount 09:59:30
9 of control over how they wanted things displayed on 09:59:35
10 packaging. And staying in their good graces was 09:59:41
11 valuable to our small business. And so if they had some 09:59:46
12 objection to the artwork, or how, let's say, a certain 09:59:53
13 logo was used, it was something we wanted to avoid as a 09:59:59
14 problem. 10:00:05

15 Q. So you did seek their feedback; yes or no? 10:00:06

16 A. I would not describe it that way. I would 10:00:10
17 describe it more as their permission in a way. Because 10:00:13
18 there were times when we were dealing with Google, where 10:00:21
19 they would pull our product off of the Works With Google 10:00:32
20 Cardboard product page, for example. 10:00:41

21 Q. Sir, I'm not talking about that. 10:00:42

22 A. Well, but this is -- 10:00:42

23 Q. I asked you a simple question -- 10:00:43

24 A. This is -- 10:00:45

25 Q. -- you were soliciting their feedback; weren't 10:00:45

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1	you? Now, if you --	10:00:50
2	A. I was soliciting --	10:00:51
3	Q. Can you answer the question; yes or no?	10:00:51
4	A. Well, I'm trying --	10:00:54
5	Q. No. Can you answer the question; yes or no?	10:00:55
6	I don't want to hear a speech.	10:00:58
7	MR. ALEXANDER: All right. This is -- this is	10:01:02
8	getting out of control.	10:01:03
9	MR. KIKLIS: No, it's not.	10:01:03
10	MR. ALEXANDER: Counsel -- Counsel, I	10:01:04
11	understand your client is on Zoom. And perhaps, you	10:01:04
12	feel a need to show off for them.	
13	MR. KIKLIS: Cortney, please --	
14	MR. ALEXANDER: No. No.	
15	MR. KIKLIS: No speeches from you.	
16	MR. ALEXANDER: Hey, that's enough, sir.	
17	MR. KIKLIS: You can slam the table all you	
18	want.	
19	MR. ALEXANDER: We can call the PTAB if you	10:01:10
20	want to.	10:01:13
21	MR. KIKLIS: Go ahead.	10:01:13
22	MR. ALEXANDER: You are being --	10:01:14
23	MR. KIKLIS: No, I'm not.	10:01:14
24	MR. ALEXANDER: -- extremely disrespectful --	10:01:15
25	MR. KIKLIS: No, I'm not.	10:01:15

1	MR. ALEXANDER: -- to my client.	10:01:17
2	MR. KIKLIS: And I don't want to sit here and	10:01:21
3	hear your speeches. I'm asking a yes or no question.	10:01:22
4	MR. ALEXANDER: I don't care what you want,	10:01:24
5	Counsel.	10:01:24
6	MR. KIKLIS: I don't want to hear your	10:01:24
7	speeches.	10:01:24
8	MR. ALEXANDER: I'm saying, you will back off	10:01:27
9	a little bit. You asked him a question. He was trying	10:01:28
10	to answer it. And he will have the opportunity. You	10:01:30
11	don't badger him like this. This is out of line. We	10:01:33
12	are like 15 minutes --	10:01:33
13	MR. KIKLIS: I'm not badgering him at all.	10:01:33
14	MR. ALEXANDER: -- into this deposition.	10:01:33
15	MR. KIKLIS: I'm simply asking him, if he can	10:01:38
16	answer the question; yes or no?	10:01:40
17	MR. ALEXANDER: No, you didn't simply ask him	10:01:43
18	that.	10:01:46
19	MR. KIKLIS: I did. I asked him that	10:01:47
20	afterwards.	
21	MR. ALEXANDER: You went on at some length.	
22	And I'm telling you --	
23	MR. KIKLIS: Okay. Courtney.	
24	MR. ALEXANDER: -- that's enough.	
25	MR. KIKLIS: Thank you. I appreciate your	10:01:50

1	speech.	10:01:52
2	Q. (BY MR. KIKLIS) Now, I'm going to go back to	10:01:53
3	my question, Mr. Buckley. In the sentence that I've	10:01:55
4	read to you, were you seeking Google's feedback or not?	10:02:00
5	Let me strike that.	10:02:05
6	Can you testify with a yes or no, as to	10:02:06
7	whether you were seeking Google's feedback in the	10:02:12
8	sentence?	10:02:16
9	A. Can you define feedback?	10:02:17
10	Q. Input, some reaction.	10:02:22
11	A. Input, yes.	10:02:26
12	Q. The paragraph below, it says, "I noticed for	10:02:28
13	the double tap trigger in the #cardboard app, it pops	10:02:33
14	open the top and bottom nav bars, but using the magnetic	10:02:40
15	trigger, it does not. Any chance you guys are going to	10:02:46
16	make both magnetic and double tap behave the same way?"	10:02:51
17	Did I read those two sentences correctly?	10:02:55
18	A. Yes, I believe so.	10:02:58
19	Q. Okay. What are you asking Google here?	10:02:59
20	A. I'm asking them about how the software on	10:03:03
21	their Android devices responds to a magnetic input	10:03:12
22	versus a double tap on the screen.	10:03:23
23	Q. Can you explain that?	10:03:32
24	A. Can you be a little more specific with your	10:03:39
25	question? When you say "explain it," what do you want	10:03:42

1 me to explain? 10:03:45

2 Q. Well, I would like you to -- okay. So you 10:03:46

3 said, "I'm asking them about how the software on their 10:03:50

4 Android devices responds to a magnetic input versus a 10:03:55

5 double tap on the screen." That's what you said; right? 10:04:01

6 A. Correct. 10:04:05

7 Q. Okay. But then you go on to say, "Any chance 10:04:05

8 you guys are going to make both magnetic and double tap 10:04:09

9 behave the same way?" What were you asking there? 10:04:17

10 A. From my recollection, the way that an Android 10:04:20

11 device at the time responded to this magnetic trigger, 10:04:27

12 which was in the first card- -- you know, first Google 10:04:36

13 Cardboard device. There were certain ways that, you 10:04:47

14 know, on your smartphone when you sometimes hit 10:04:49

15 something, and a notification bar shows up or 10:04:53

16 disappears. It's like -- there is all kinds of stuff 10:04:57

17 that smartphones do like that. 10:05:00

18 And from what I can recall, the Androids at 10:05:03

19 that time, or certain flavors of Androids, because, you 10:05:08

20 know, there are so many different versions of Android 10:05:14

21 kind of running on lots of different phones all the time 10:05:18

22 across all these devices. It would kind of create 10:05:22

23 something at the top, which would get in the way of the 10:05:26

24 screen. 10:05:29

25 You know, like when you pull your phone down 10:05:30

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1 or your screen down, and it kind of brings up a little 10:05:31
 2 bar. From what I recall, it didn't do that when you 10:05:35
 3 used the magnet. But it did do that in certain touch, 10:05:39
 4 you know, touch gestures or touch events. 10:05:44
 5 Q. So, I mean, you are developing your own 10:05:47
 6 virtual reality viewer at this time; aren't you? 10:05:50
 7 A. Yes. 10:05:55
 8 Q. Okay. And that was based off of Google 10:05:55
 9 Cardboard Version 1; is that right? 10:06:03
 10 A. When you say "based off of," do you mean 10:06:05
 11 inspired by? Can you be more specific? Sorry. 10:06:10
 12 Q. What relationship did your VR viewer have with 10:06:13
 13 respect to Google Cardboard Version 1? 10:06:18
 14 A. We used cardboard, and it was the same general 10:06:24
 15 shape with lenses, stereographic housing for a 10:06:36
 16 smartphone. In the same regard that the Cardboard 1 was 10:06:41
 17 like that. 10:06:45
 18 (A phone number trying to join Zoom.) 10:07:12
 19 MR. KIKLIS: Who is it? 10:07:12
 20 THE REPORTER: It's a number.
 21 THE VIDEOGRAPHER: Just a number.
 22 THE REPORTER: It is a number waiting in the
 23 waiting room.
 24 THE VIDEOGRAPHER: A telephone.
 25 MR. KIKLIS: I have no idea. Hold on a

1 second.

2 Do you have anybody trying to call in on your 10:07:13

3 side? 10:07:22

4 MR. ALEXANDER: No, I wasn't provided the Zoom 10:07:22

5 credentials. 10:07:27

6 MR. KIKLIS: Well, that's something you could 10:07:27

7 have spoken to the court reporter about it now; wasn't 10:07:29

8 it? 10:07:33

9 MR. ALEXANDER: I wasn't informed until we 10:07:33

10 arrived that you intended to have it Zoom. 10:07:45

11 MR. KIKLIS: Yeah, you can let them in. Okay. 10:07:45

12 MR. ALEXANDER: Well, wait. We need to see 10:07:49

13 who this is. 10:07:49

14 MR. KIKLIS: It's Mark Liang. I've already 10:07:54

15 announced him. 10:07:59

16 Q. (BY MR. KIKLIS) So then it's fair to say that 10:08:01

17 your first VR viewer was based on Google Cardboard 10:08:03

18 Version 1, other than the input mechanism; is that 10:08:11

19 right? 10:08:11

20 A. When you say "our first product," which one 10:08:15

21 product are you referring to? 10:08:18

22 Q. Your VR viewer. 10:08:19

23 A. We had multiple versions of VR viewers. 10:08:21

24 Q. Okay. How about your first version? 10:08:25

25 A. Our first version? 10:08:27

1	Q. Uh-huh.	10:08:28
2	A. Our first version had a magnet input like	10:08:29
3	the --	10:08:33
4	Q. Oh, okay.	10:08:33
5	A. -- the Google Cardboard Version 1.	10:08:36
6	Q. So it was your first version of a VR viewer	10:08:37
7	differed very slightly from Google Cardboard Version 1;	10:08:42
8	is that right?	10:08:48
9	MR. ALEXANDER: Object to form.	10:08:48
10	THE WITNESS: It was the same. It worked in	10:08:50
11	the same ways. The shape was largely the same, but the	10:08:53
12	pattern for the cardboard was different, if that makes	10:08:59
13	sense.	10:09:04
14	Q. (BY MR. KIKLIS) Is that more of an ornamental	10:09:05
15	nature, the pattern for the cardboard?	10:09:09
16	A. A --	10:09:18
17	Q. Let me ask it this way. The dimensions of the	10:09:18
18	shell for the VR viewer, were the same for Google	10:09:23
19	Cardboard Version 1 and your first VR viewer; is that	10:09:29
20	right?	10:09:31
21	A. I believe the dimensions were very similar.	10:09:31
22	Google had released plans for people to use, to make the	10:09:35
23	shape of the cardboard, for example.	10:09:40
24	Q. Okay. Now, when you say here, "Any chance you	10:09:43
25	guys are going to make both magnetic and double tap	10:09:45

1 behave the same way," why was that important for you to 10:09:52
2 know? 10:09:56

3 A. With these VR applications, anything that puts 10:09:59
4 an overlay on the screen might interfere with the user 10:10:10
5 experience of the VR application. So, for example, when 10:10:20
6 you, you know, have a notification pop up, or a bar 10:10:27
7 across the top of display shows up, it eats some of the 10:10:33
8 screen real estate. It might mess up the stereoscopic 10:10:40
9 experience of someone using it while it was in a VR 10:10:46
10 viewer or VR application. 10:10:50

11 Q. Okay. So as part of your development here, 10:10:51
12 you are coordinating with Google to make your product 10:10:54
13 work a little bit better; aren't you? Isn't that what 10:10:58
14 you are doing? 10:11:02

15 A. I'm not sure I would characterize it that way. 10:11:03

16 Q. Then how would you characterize it? 10:11:11

17 A. I would characterize it as trying to make sure 10:11:17
18 that the software on the smartphones didn't do something 10:11:22
19 in an unpredictable manner. It wouldn't have changed 10:11:29
20 the design of our product, per se. It was just I was 10:11:35
21 asking for clarification about how the software would 10:11:40
22 react on the phone. 10:11:46

23 Q. But that would -- but depending upon the 10:11:49
24 answer, it could help or hurt the user experience in 10:11:52
25 using your VR viewer; right? 10:11:58

1 A. I suppose it could in, you know -- any 10:12:04
2 application running on a smartphone, the way that the 10:12:08
3 operating system doing its thing in the background is 10:12:11
4 affected by -- you know, I guess it's a give and take on 10:12:17
5 that, right. So if the phone software doesn't work 10:12:20
6 well, then an accessory for the phone isn't going to 10:12:26
7 work well either. You need both of those things to work 10:12:30
8 predictably in a way that you planned for, I suppose. 10:12:34
9 Q. But you are coordinating with Google as part 10:12:38
10 of your development of your VR viewer? 10:12:41
11 A. When you say "coordinating," can you be more 10:12:48
12 specific by what you mean by coordinating? 10:12:52
13 Q. You are reaching out to them. 10:12:56
14 A. I am reaching out to them, yes. 10:12:58
15 Q. As part of your development of your product? 10:13:00
16 A. I'm not sure I'd characterize it that way. 10:13:07
17 Q. Well, you are developing your product at this 10:13:11
18 point; is that right? 10:13:14
19 A. Yes. 10:13:15
20 Q. And then you did ask them this question while 10:13:15
21 you are developing your product; didn't you? 10:13:18
22 A. I guess if I was using a computer, and I had 10:13:22
23 to go to say, the Apple Genius Bar, because it wasn't 10:13:28
24 working as I predicted. I wouldn't say I was 10:13:33
25 collaborating with Apple on -- 10:13:38

1 Q. I don't think I said "collaborating." I said 10:13:40
2 "coordinating." 10:13:44
3 A. Oh, coordinating, or coordinating, for that 10:13:45
4 matter. 10:13:48
5 Q. Sure. 10:13:48
6 A. I wouldn't say -- 10:13:48
7 Q. And then I said "reach out." 10:13:48
8 A. Right. 10:13:50
9 Q. And you can't deny that. You are reaching out 10:13:50
10 to them; right? 10:13:53
11 A. I am reaching out. 10:13:54
12 Q. Okay. 10:13:55
13 A. But coordination, again, I guess I'm trying to 10:13:56
14 understand what you mean by coordination. Because in 10:13:59
15 the example that I gave you, I wouldn't be 10:14:02
16 coordinating -- if I'm trying to write a Word document, 10:14:05
17 and I can't get Microsoft Word to work on my Apple 10:14:08
18 computer. And I go to Apple and say, "Why isn't this 10:14:14
19 working? Can you guys troubleshoot this for me?" I 10:14:17
20 wouldn't say, I was coordinating writing my Word 10:14:22
21 document with Apple. I would say that was maybe a 10:14:24
22 closer analogy for what was happening here. 10:14:27
23 Q. Now, further there is some bullets underneath 10:14:33
24 that. It says, "Eliminates a potential choking hazard 10:14:36
25 for children." Do you see that? 10:14:42

1	A. I do, yeah.	10:14:44
2	Q. Did I read that right?	10:14:45
3	A. Yes.	10:14:47
4	Q. Now, this is referring to your attempt at	10:14:47
5	getting away from magnets for the input mechanism and	10:14:52
6	moving to a conductive tap button; is that right?	10:14:58
7	A. I think I used the term conductive and	10:15:04
8	capacitive kind of interchangeably in some of these	10:15:08
9	communications.	10:15:13
10	Q. Okay. But there is a difference in those	10:15:14
11	terms; aren't there?	10:15:17
12	A. Depending on, yeah, the context, there	10:15:18
13	certainly could be.	10:15:22
14	Q. Well, something that's conductive	10:15:23
15	doesn't -- can't necessarily hold a charge; right?	10:15:27
16	A. I'm sorry. Say that again.	10:15:33
17	Q. Something that is -- something that is	10:15:34
18	conductive doesn't necessarily mean that it can hold a	10:15:38
19	charge; isn't that right?	10:15:43
20	A. I think you might have it reversed.	10:15:45
21	Q. Conductive?	10:15:48
22	A. Yes.	10:15:50
23	Q. Capacitive means it can hold a charge?	10:15:51
24	A. When you say "hold a charge," can you be more	10:15:55
25	specific?	10:15:59

1	Q. Electrical charge.	10:15:59
2	A. Yes.	10:16:07
3	Q. Do you understand that term?	10:16:07
4	A. Well, a conductive, something that is	10:16:09
5	conductive can pass an electrical charge?	10:16:10
6	Q. Right.	10:16:10
7	A. Right. So would you say as the electrical	10:16:14
8	charge is passing through a conductor, the conductor is	10:16:18
9	holding the electrical charge? It's going through it.	10:16:22
10	Q. How about storing for more than a transitory	10:16:22
11	period of time?	10:16:28
12	A. Right.	10:16:28
13	Q. So --	10:16:28
14	A. Those -- so those have different -- those	10:16:29
15	have, yeah, those have different meanings.	10:16:31
16	Q. Right.	10:16:33
17	A. Right.	10:16:33
18	Q. And could you define the difference between	10:16:34
19	the two; conductive versus capacitive?	10:16:37
20	A. The difference between the two?	10:16:40
21	Q. Yes.	10:16:40
22	A. Yes, I think I could give a -- let's see. I	10:16:49
23	think I could.	10:16:52
24	Q. Okay. Could you do that, please?	10:16:52
25	A. I'm not sure I'm here to provide that kind of	10:16:54

1 information. 10:16:58

2 Q. I'm asking the question. 10:17:03

3 MR. ALEXANDER: Objection; scope. Counsel, 10:17:05

4 the PTAB has been clear that the scope of 10:17:07

5 cross-examination is limited to the scope of direct 10:17:12

6 examination. And I don't believe this question you are 10:17:15

7 asking is within the scope of the direct testimony that 10:17:21

8 Mr. Buckley offered. 10:17:25

9 So I'm going to instruct him not to answer 10:17:26

10 unless you can -- 10:17:29

11 MR. KIKLIS: You can't do that. 10:17:29

12 MR. ALEXANDER: -- provide it. 10:17:30

13 MR. KIKLIS: You can't do that. 10:17:30

14 MR. ALEXANDER: I can do that. 10:17:31

15 MR. KIKLIS: His input mechanism is at the 10:17:32

16 heart of this case. And here he is talking about 10:17:35

17 conductive. He said he -- in this document, which is 10:17:39

18 his document, Exhibit 2034, he said sometimes those 10:17:41

19 terms are used interchangeably. Now I'm trying to get 10:17:46

20 him to define it. 10:17:50

21 MR. ALEXANDER: That's not within the scope of 10:17:51

22 his direct testimony. I don't -- I mean -- 10:17:54

23 MR. KIKLIS: It is. 10:17:56

24 MR. ALEXANDER: -- did his declarations 10:17:58

25 reference -- 10:18:01

1 MR. KIKLIS: It is. His declaration says that 10:18:01
2 the input mechanism is -- you know, is his novel aspect. 10:18:06
3 So his input mechanism is at issue. Plus he cites to 10:18:09
4 this document in his declaration many times. So I'm 10:18:15
5 going through this document with him. 10:18:18
6 MR. ALEXANDER: I don't believe he cites to 10:18:20
7 this portion of the email in his declaration. I'm happy 10:18:22
8 to be corrected, if you want to point me to that. 10:18:28
9 MR. KIKLIS: I'm not going to -- I'm not going 10:18:29
10 to -- I'm not going to fight with you over this, 10:18:31
11 Cortney. This case is about his input mechanism. He 10:18:32
12 cites to this document several times. I'm going over 10:18:38
13 it. 10:18:38
14 MR. ALEXANDER: Okay. I'm going to -- 10:18:38
15 MR. KIKLIS: If you want to -- 10:18:38
16 MR. ALEXANDER: -- instructing him not to 10:18:40
17 answer. 10:18:41
18 MR. KIKLIS: If you want to call the board 10:18:41
19 and -- fine. If you instruct him to not answer, then 10:18:44
20 you run the risk. I seek sanc- -- I will seek 10:18:48
21 sanctions. In the PTAB, you can't instruct him not to 10:18:51
22 answer a question. You can -- 10:18:55
23 MR. ALEXANDER: I believe I can. 10:18:55
24 MR. KIKLIS: You can object. 10:18:56
25 MR. ALEXANDER: You're -- no, that's not true. 10:18:57

1 I mean, if you -- present me with authority. If you are 10:19:03
2 outside the scope of the direct testimony, he has no 10:19:04
3 obligation. You are trying to turn this into a general 10:19:07
4 deposition that can be used in the litigation. You've 10:19:11
5 got Google's litigation counsel on the phone Zooming in. 10:19:14
6 And that's what you are trying to do. You are not 10:19:14
7 allowed to do that. 10:19:21

8 MR. KIKLIS: It's customary for litigation 10:19:21
9 counsel to attend. So, you know, but that's all I'm 10:19:25
10 going to say about that. 10:19:28

11 MR. ALEXANDER: Provide me with your 10:19:28
12 authority. Your authority is -- 10:19:30

13 MR. KIKLIS: I'm not -- I'm not going to give 10:19:31
14 you any authority. Instruct him not to answer, if 10:19:32
15 that's what you are going to do, you run the risk. You 10:19:34
16 know his declaration, as well as I, says that the input 10:19:37
17 mechanism is right (indicating). That's your whole set. 10:19:41

18 MR. ALEXANDER: The input -- show him his 10:19:45
19 declaration. And if you are asking him questions about 10:19:49
20 the declaration -- 10:19:50

21 MR. KIKLIS: I'm going -- I'm going through 10:19:50
22 this -- I'm going through this exhibit. And I'm going 10:19:51
23 to -- and I'm asking him about what was going on during 10:19:52
24 the development of his input mechanism. 10:19:55

25 If you are going to instruct him not to 10:19:58

1 answer, you run the risk that I'm going to go to the 10:20:01
 2 PTAB and seek sanctions. 10:20:07
 3 MR. ALEXANDER: I'm asking you to point me to 10:20:10
 4 something that supports in his declaration, that it's 10:20:13
 5 within the scope of the direct. And it sounds like you 10:20:16
 6 are refusing to do that. 10:20:19
 7 MR. KIKLIS: No, I told you, he says in his 10:20:21
 8 declaration that the input mechanism. And he 10:20:24
 9 talks -- he goes on, and on, and on how nobody else had 10:20:27
 10 a conductive input mechanism. Are you trying to tell me 10:20:30
 11 that you don't see that in his declaration? 10:20:34
 12 MR. ALEXANDER: I don't see the word "conduct" 10:20:37
 13 in the second declaration. If you are saying it's in 10:20:39
 14 the first -- 10:20:43
 15 MR. KIKLIS: I can depose him on the first and 10:20:44
 16 second. 10:20:47
 17 MR. ALEXANDER: Okay. Well -- 10:20:47
 18 MR. KIKLIS: And I'm not going to sit here and 10:20:49
 19 try to find it. If you want to search for it, it's in 10:20:51
 20 there. You prepared it. It's certainly in the second 10:20:54
 21 one. I'm not going to sit here and try to find that for 10:20:57
 22 you. 10:21:02
 23 MR. ALEXANDER: I don't believe the word 10:21:02
 24 "conductive" appears in the second declaration. 10:21:05
 25 MR. KIKLIS: Why don't you search it? 10:21:08

1 MR. ALEXANDER: I did. And I don't see it in 10:21:11
2 the second declaration. What -- 10:21:13
3 MR. KIKLIS: I'm sorry. His input 10:21:16
4 mechanism is all over the place. As well as, you know, 10:21:19
5 in your secondary consideration of evidence, it's all 10:21:23
6 over the place. I'm not going to sit here and fight 10:21:24
7 with you over it. 10:21:27
8 If you want to take the position that his 10:21:28
9 input mechanism, his conductive input mechanism is 10:21:29
10 irrelevant, take that position. But I'm going to ask my 10:21:36
11 questions. And I'm done discussing this. 10:21:39
12 MR. ALEXANDER: I'm not saying, it's 10:21:41
13 irrelevant. I'm saying the scope of your cross is 10:21:43
14 limited to the scope of the direct testimony. 10:21:46
15 MR. KIKLIS: That's right. And he talked 10:21:46
16 about his input mechanism. And he cited to this 10:21:49
17 document many times. I'm going through this document 10:21:53
18 with him. 10:21:56
19 MR. ALEXANDER: Okay. I -- 10:21:56
20 MR. KIKLIS: You cannot deny that. 10:21:58
21 MR. ALEXANDER: Well, I -- 10:21:58
22 MR. KIKLIS: How many times did you cite all 10:22:00
23 over your pleadings and everything that, oh, it's 10:22:02
24 genius. It's this. It's that. Well, I'm going through 10:22:06
25 the whole document. Now, you honestly are going to sit 10:22:08

1 there and tell me that I'm not entitled to go through 10:22:10
2 this? Good luck with that. 10:22:13
3 MR. ALEXANDER: I am -- I'm not saying -- I 10:22:16
4 don't agree that -- 10:22:16
5 MR. KIKLIS: Again, don't -- I mean, you are 10:22:16
6 wasting my -- 10:22:16
7 MR. ALEXANDER: -- you can ask about anything. 10:22:18
8 MR. KIKLIS: -- deposition time. You are 10:22:18
9 wasting my deposition time. 10:22:18
10 Q. (BY MR. KIKLIS) Okay. So I'm going to go 10:22:22
11 back to this part of the -- to the -- back to Exhibit 10:22:24
12 2034. 10:22:29
13 So you did testify, though, that sometimes in 10:22:33
14 Exhibit 2034, capacitive and conductive were used 10:22:36
15 interchangeably? You did say that; right? 10:22:41
16 A. I -- 10:22:44
17 Q. And that -- 10:22:44
18 A. -- remember saying that, yes. 10:22:45
19 Q. Okay. And that was by accident; you didn't 10:22:46
20 intentionally do that? 10:22:49
21 A. I don't -- this was quite a long time ago. I 10:22:50
22 don't recall doing it on purpose. I think my 10:22:55
23 recollection is, if they were used interchangeably, it 10:23:02
24 was accidental. 10:23:06
25 Q. Okay. Okay. So then what is the difference 10:23:09

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1 I mean, in previous periods, they might have 10:26:14
2 been referring to, you know, one that had a keyboard, or 10:26:18
3 a Blackberry. So at this time, I would say that 10:26:21
4 everyone had settled on smartphones of our current 10:26:25
5 moment, these glass screens. 10:26:30

6 Q. Are you referring to a capacitive? 10:26:33

7 A. Right. 10:26:35

8 Q. So your Smart- -- your -- let me start over. 10:26:35

9 Your conductive tap button could work with all 10:26:40
10 capacitive touch screens? 10:26:46

11 A. I think that's what I was trying to convey, 10:26:52
12 that it would work across a greater variety of 10:26:55
13 smartphones at the time. 10:27:00

14 Q. Would it also work with resistive? 10:27:02

15 A. A resistive touch screen technology was not 10:27:05
16 something that I had seen in smartphones for a long 10:27:14
17 time. I think at any point during my company's history, 10:27:19
18 I don't think we ever focused on anything that had a 10:27:24
19 resistive touch screen, from my recollection. 10:27:29

20 Q. Now, I would like to move up a little bit. So 10:27:54
21 the next email I see is from Andrew Nartker. Am I 10:28:00
22 pronouncing that right? On Friday, July 11th, 2014, at 10:28:11
23 11:25 a.m. Number one, am I pronouncing his name right, 10:28:20
24 Andrew Nart-kar, Nart-ker? 10:28:27

25 A. I'm not sure. I think that sounds right. 10:28:31

1 Q. Okay. Have you ever met him? 10:28:34

2 A. Yeah, we've met in person a couple of times, 10:28:36

3 yeah. 10:28:39

4 Q. Okay. And -- 10:28:39

5 A. I'm bad at pronouncing people's names. So I'm 10:28:40

6 never -- I'm not quite sure if it's an ambiguous name. 10:28:44

7 Q. How about if I refer to him as "Andrew," and 10:28:49

8 we'll understand it's Andrew Nartker. 10:28:53

9 A. Okay. 10:28:56

10 Q. Is that fair enough? 10:28:56

11 A. It sounds good. 10:28:57

12 Q. Now, this email is on Friday, July 11th, 2014, 10:28:57

13 at 11:25 a.m.; is that right? 10:29:03

14 A. Oh, yes, Friday, July 11th, 11:25. Yes, that 10:29:03

15 looks correct. 10:29:09

16 Q. And he's saying that in the second line, "I'm 10:29:10

17 meeting with the team right now. We'll take a look at 10:29:13

18 these things, and I'll send along some relevant feedback 10:29:16

19 shortly." Is that what he said? 10:29:19

20 A. Yeah, that's how I'm reading it. 10:29:22

21 Q. Okay. So Andrew took back the points from 10:29:26

22 your previous email, and he's running them by his team? 10:29:28

23 Is that what's happening? 10:29:32

24 A. I guess that's something you would have to ask 10:29:37

25 Andrew. 10:29:41

1 Q. Well, is that the way you understood this 10:29:41
2 sentence? 10:29:44
3 A. That's what he seems to be conveying to us, 10:29:44
4 yeah. But I don't know what Andrew actually did. 10:29:46
5 Q. Well, let's go to the next email. This is 10:29:49
6 another email from Andrew Nartker, on July -- Friday, 10:29:52
7 July 11th, 2014, at 2:23 p.m. Am I right? 10:29:58
8 A. That looks correct. 10:30:05
9 Q. Okay. And it's an email to you and Craig; is 10:30:08
10 that right? 10:30:13
11 A. It's addressed to me and Craig. 10:30:13
12 Q. Okay. Now, at the very first sentence, he 10:30:19
13 said, "I shared this with the team, and they are all 10:30:21
14 real excited with your progress." 10:30:24
15 Did I read that right? 10:30:26
16 A. Yes. 10:30:29
17 Q. And he's kind of cheering you on here; isn't 10:30:29
18 he? 10:30:33
19 A. I suppose you could say that. 10:30:34
20 Q. [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:30:43
22 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:31:04

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

10:32:51

23

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

:02

1 A. -- that's a question you have to ask Google, 10:34:45
2 because -- I mean, that's what they said here. But 10:34:48
3 again, I can't speak for what they actually do 10:34:51
4 internally in their company. They -- they don't seem to 10:34:54
5 always be honest about that, so... 10:34:58

6 Q. I'm sorry. What did you say? 10:35:00

7 A. They don't always -- they are not always 10:35:02
8 honest about what they are doing inside their company. 10:35:06

9 Q. So you are suggesting that Google could have 10:35:08
10 lied when they wrote this to you; is that what you are 10:35:12
11 saying? 10:35:15

12 A. It's a possibility, for sure. 10:35:15

13 Q. He goes on to say, "Alex, one of our lead 10:35:17
14 engineers has offered to visit DODOcase next year to 10:35:20
15 share our tips here." Did he say that? 10:35:26

16 A. That's what's written here, yeah. 10:35:28

17 Q. And when he's referring to "our tips," he's 10:35:30
18 referring to the conductive button; isn't he? 10:35:35

19 A. It reads that way. 10:35:38

20 Q. And then he's asking when you are available, 10:35:40
21 "next Wednesday afternoon, end of day? I'll try to join 10:35:44
22 him as well if I can." Is that right? 10:35:49

23 A. That's what it says. 10:35:53

24 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] 10:36:00



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Google Ex. 1023, p. 049

1 trying to leverage the Android platform. And I think 10:37:50
2 anything that made it look like they had momentum in the 10:37:56
3 space had a business benefit to them. 10:38:00

4 Q. But regardless of their motivation, here they 10:38:04
5 are trying to help you with marketing; isn't that right? 10:38:09

6 A. Well, it says, [REDACTED] [REDACTED]
7 [REDACTED] It 10:38:18
8 seems like they are pumping my small business for 10:38:21
9 information to see how it would potentially benefit 10:38:25
10 them. That's one way to view it. 10:38:30

11 Q. So you think they had an ulterior motive, 10:38:32
12 rather than trying to actually help you? Is that what 10:38:38
13 you are saying? That these words don't mean what they 10:38:43
14 say, basically? 10:38:46

15 A. I think that Google's ulterior motive is to 10:38:48
16 benefit Google. It's not to help anybody else. 10:38:55

17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] 10:39:06

21 A. I'm saying that it's more likely that they 10:39:09
22 were trying to benefit themselves than to help my 10:39:13
23 company. 10:39:17

24 Q. But they did offer to help? 10:39:17

25 A. They wrote that in an email. But even -- 10:39:19

1 Q. Well -- 10:39:24
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] So what they are asking for is access to our 10:39:31
5 knowledge, with the offer to potentially help, not a 10:39:37
6 concrete offer for help. And Google has this -- you 10:39:42
7 know, they have a pattern of behavior, where they want 10:39:47
8 to come in and look at a company's technology, or what 10:39:51
9 their customers are doing in the guise of help, then to 10:39:56
10 benefit themselves, and to hurt their partner. 10:40:04
11 I mean, there is the case with Sonos. There 10:40:08
12 is a lot of Android hardware manufacturers. I would say 10:40:16
13 that Google doesn't have a good track record of being a 10:40:19
14 partner, a good partner who helps -- helps its partners. 10:40:23
15 [REDACTED]
16 [REDACTED] 10:40:35
17 Did you ever provide Google with samples of 10:40:37
18 your VR viewers? 10:40:41
19 A. I mean, on a number of occasions, Google 10:40:43
20 required it to participate in the Works With Google 10:40:52
21 Cardboard program. 10:40:57
22 Q. Did you provide any samples? 10:40:57
23 A. Over the course of the number of years that we 10:40:59
24 were doing it, we provided, I can't recall how many 10:41:04
25 different samples, but numerous samples. 10:41:07

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1 Q. But you are sure that you did send some 10:41:10
2 samples to Google? 10:41:13
3 A. In my recollection, we sent many samples to 10:41:16
4 Google. 10:41:23
5 Q. At the time of these emails, July, August of 10:41:24
6 2014, did you provide samples to Google? 10:41:27
7 A. I don't recall that specific date. But in the 10:41:35
8 time period, let's say, between that date and the end of 10:41:48
9 2014, I believe we sent a number of samples to Google. 10:41:57
10 I couldn't tell you exactly when. 10:42:06
11 Q. Now, the next email up is Friday, July 11th, 10:42:08
12 2014, at 2:57 p.m., and that's from Craig. The first 10:42:16
13 line says, "Wednesday afternoon works great for a 10:42:30
14 visit." Did Craig write that? 10:42:35
15 A. It appears he did. 10:42:38
16 Q. And then he went on to say, "We'd love to 10:42:40
17 brainstorm with you and Alex." Did he say that? 10:42:44
18 A. That's what's written here, yeah. 10:42:46
19 Q. So he's talking about brainstorming about the 10:42:52
20 tips for the capacitive button from the previous email; 10:42:55
21 isn't that what he's talking about? 10:42:59
22 A. I'm not sure I would characterize it like 10:43:04
23 that, because there were many things in that email, that 10:43:06
24 previous email. 10:43:09
25 Q. Well, I think it's pretty clear in the 10:43:12

1 previous email, the tips referred to the capacitive 10:43:16
2 button; right -- conductive button? "We experimented 10:43:20
3 briefly." He goes on to say, "Alex, one of our lead 10:43:32
4 engineers," right after that, "has offered to visit 10:43:37
5 DODOcase next week to share our tips here." He says 10:43:40
6 that; right? And then in a sub- -- he says that; right? 10:43:43
7 A. In the Friday, in the Andrew Nartker email? 10:43:48
8 Q. Yes. Yes. He says that; right? 10:43:54
9 A. "We experimented briefly with this but didn't 10:43:56
10 fully refine. Alex, one of our lead designers, has 10:44:05
11 offered to visit DODOcase next week to share our tips 10:44:09
12 here." 10:44:09
13 Right. But, I mean, as I previously stated, 10:44:15
14 Google has a history of offering help, when really they 10:44:19
15 are trying to pump their partners for information. 10:44:21
16 Q. But that's -- that's not my question. 10:44:23
17 A. Yeah. 10:44:24
18 Q. My question is then in the next email, then 10:44:25
19 they schedule a meeting, "Wednesday afternoon works 10:44:27
20 great for a visit. We'd love to brainstorm with you and 10:44:34
21 Alex." That brainstorming is -- 10:44:35
22 A. No. 10:44:35
23 Q. -- about the conductive button; right? 10:44:37
24 A. I don't believe it's only about that button. 10:44:43
25 I think -- 10:44:46

1	Q. But does that --	10:44:47
2	A. -- I believe it's saying --	10:44:48
3	Q. -- brainstorming includes the conductive	10:44:49
4	button?	10:44:55
5	A. I would say it includes -- that is one of a	10:44:56
6	number of topics. And Craig was the business	10:44:59
7	development guy, just to frame that. You know, he was	10:45:03
8	the one working on business partnerships and marketing.	10:45:05
9	So when he says "brainstorm," he could be meaning a	10:45:11
10	whole number of things beyond kind of the product	10:45:20
11	development, or, you know, conductive button, just	10:45:23
12	to -- just to give you a sense.	10:45:29
13	Q. Okay. Were you in that meeting?	10:45:32
14	A. I recall being in that meeting.	10:45:35
15	Q. Okay. And what was discussed in that meeting?	10:45:38
16	A. I mean, it was so long ago that it's hard for	10:45:43
17	me to recall specifics of it. And I wouldn't -- you	10:45:48
18	know, I wouldn't want to fill in something, you know,	10:45:54
19	that was not accurately, you know, in my memory.	10:45:58
20	Q. Okay. Well, do you remember if the meeting	10:46:05
21	involved discussion of the conductive button?	10:46:10
22	A. My recollection is that it did. But again, it	10:46:32
23	was quite a long time ago.	10:46:35
24	Q. Now, who was in that meeting?	10:46:37
25	A. I don't -- I don't recall.	10:46:39

1 Q. Well, was Alex there? 10:47:01

2 A. I believe he was. But again, it was a long 10:47:10

3 time ago. 10:47:13

4 Q. Okay. Was Craig there? 10:47:14

5 A. I believe he was. But again, it was a long 10:47:17

6 time ago. 10:47:21

7 Q. And you were there; right? 10:47:21

8 A. I recall being there, yes. 10:47:23

9 Q. So what specifically was discussed about the 10:47:25

10 conductive button? 10:47:30

11 A. I don't -- I don't recall the specifics. I 10:47:35

12 would -- I would say that anything we wrote about the 10:47:45

13 meeting, I wouldn't have any reason to doubt the 10:47:48

14 accuracy of that from my recollection. But this was 10:47:53

15 almost ten years ago, so these -- 10:47:59

16 Q. Do you have any notes or documents reflecting 10:48:03

17 what was discussed in that meeting? 10:48:06

18 A. I don't believe I do. 10:48:08

19 Q. So your testimony is that Alex, Craig, and you 10:48:13

20 discussed the conductive button, but you don't remember 10:48:20

21 what you discussed about the conductive button; is that 10:48:24

22 right? 10:48:28

23 A. Well, we have I guess the documents or 10:48:28

24 previous emails. 10:48:31

25 Q. We're going to go through those. Don't worry. 10:48:31

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1 know, marketing opportunities, artwork packaging, a book 10:49:24
2 deal, photospheres, you know, sales opportunities. 10:49:29
3 Google was very interested in knowing how many units we 10:49:36
4 were selling, what potential retail partners or retail 10:49:41
5 opportunities there were, what press we were getting. 10:49:45
6 Google had a quite an extensive list of things 10:49:49
7 they asked us for consistently. And at some point, we, 10:49:52
8 I believe, talked to them about starting a -- kind of a 10:50:00
9 partner program, like which I think eventually became 10:50:05
10 kind of the Works With Google Cardboard program. So all 10:50:10
11 of those things were kind of being discussed at the 10:50:14
12 time. 10:50:18
13 Q. So -- 10:50:18
14 A. I don't know when each of those things kind 10:50:18
15 of, we started discussing them with Google. I think, 10:50:20
16 you know, [REDACTED] at the time 10:50:25
17 of that meeting, we were discussing the Regan Arts book, 10:50:30
18 the packaging, the button, PR, samples, and cumulative 10:50:37
19 orders, and regions where we were selling things. 10:50:48
20 Those -- that was -- those were all things that Google 10:50:55
21 was very interested in. 10:50:59
22 Q. Now, you mentioned discussing a program that 10:51:00
23 became Works With Google Cardboard, which I'll refer to 10:51:03
24 as WWGC. You did say that a few minutes ago; right? 10:51:09
25 A. Yes. 10:51:18

1 Q. Okay. So you are saying that it was your idea 10:51:18
2 to come up with kind of a program with WWGC; is that 10:51:23
3 right? 10:51:28

4 A. I'm not say -- I'm not sure I would say it was 10:51:28
5 our idea. I think it was an idea in the air that I 10:51:30
6 don't know if it was -- I can say that we discussed it 10:51:35
7 with Google, and probably Andrew Nartker. He seemed to 10:51:41
8 be the main point of contact. And from our -- yeah, so 10:51:48
9 that answered that question. 10:51:54

10 Q. Why are you interested in that? 10:51:56

11 A. Why was I interested in what? Sorry. 10:52:01

12 Q. In a program like Works With Google Cardboard? 10:52:03

13 A. I mean, as a small business, having a program 10:52:11
14 where you get publicity and marketing can be quite 10:52:22
15 helpful. And Google has a lot of resources in that 10:52:27
16 regard. So if they kind of, you know, put you on a 10:52:33
17 marketing page, that can drive a lot of traffic to a 10:52:43
18 website, drive sales. So I would say we were interested 10:52:47
19 in participating in any kind of partner program that 10:52:55
20 would drive -- help us drive sales of a product. 10:53:00

21 Q. And did Works With Google Cardboard help drive 10:53:03
22 sales of your product? 10:53:09

23 A. I would say that certainly being on the 10:53:15
24 website, when we were on the website, and that was kind 10:53:18
25 of a gated thing. Google sometimes took us off the 10:53:21

1 website, you know, and put us back on, or reorganized 10:53:27
2 where we were on the website. And all of those things 10:53:32
3 affected our sales. 10:53:36
4 MR. KIKLIS: Somebody might have jumped off 10:53:40
5 the phone. 10:53:40
6 Q. (BY MR. KIKLIS) Okay. So but being involved 10:53:44
7 with Works With Google Cardboard helped you with your 10:53:46
8 sales; didn't it? 10:53:52
9 A. Yeah, like I said, it was -- it was a lever 10:53:53
10 that could help. But also, you can become reliant on 10:53:58
11 it. And then if you don't put the packaging the way 10:54:02
12 that Google wants, or you send them a sample, and they 10:54:07
13 reject it, or you don't provide them sales information 10:54:11
14 when they want it. All of a sudden you disappear from 10:54:17
15 the Works With Google Cardboard -- 10:54:20
16 Q. Who is Alex -- 10:54:23
17 A. -- website. 10:54:24
18 Q. Who is Alex Kauffmann? 10:54:26
19 A. It's my understanding that he was a Google 10:54:29
20 employee. 10:54:33
21 Q. Wasn't he a lead for like Google Cardboard or 10:54:33
22 something? 10:54:37
23 A. That sounds right, but I don't -- I don't 10:54:37
24 recall. There was quite a -- you know, Google has quite 10:54:40
25 a complex org. structure. I'm not an expert in it. But 10:54:44

1 he was put forward as Google, when we were talking to 10:54:49
2 him, as someone who was a lead designer or something 10:54:55
3 like that. 10:54:58

4 Q. Did you ever offer him a job? 10:54:58

5 A. Did I offer him a job? I believe that he had 10:55:05
6 mutual -- I think we had mutual friends. And at one 10:55:16
7 point, he was going to leave Google. And so I think 10:55:20
8 some people suggested we talk about potentially working 10:55:23
9 with him. I don't know if it was hiring or just -- I 10:55:27
10 think maybe he started some kind of an agency, or maybe 10:55:31
11 was planning to start an agency. 10:55:36

12 So I'm not trying to be evasive. I'm just 10:55:39
13 trying to be honest with what the -- you know, we've 10:55:47
14 kind of had -- I think we had similar friend groups. 10:55:52
15 And I think he did -- he was looking to leave Google at 10:55:55
16 one point. I don't know exactly when. And there was 10:56:00
17 the potential to talk to him about working together on 10:56:02
18 some things. 10:56:06

19 Q. Now, I want to scroll up to the next email. 10:56:06
20 And I'm not sure of the date and the timestamp. But it 10:56:10
21 says, "Thanks, Alex and I will see you next Wednesday at 10:56:12
22 3:30." So basically confirming the email. And it 10:56:16
23 goes -- and it goes on -- 10:56:20

24 A. Sorry. Where are you? Oh, I see. "Thanks, 10:56:23
25 Alex and I will see you next Wednesday at 3:30." 10:56:30

1 Q. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] :46
4 [REDACTED] 10:56:50
5 Q. So Andrew was trying to help promote your blog 10:56:50
6 post; is that right? 10:56:56
7 A. That's what it looks like. That's 10:57:02
8 what -- that's what he seems to convey here. So I'm not 10:57:06
9 sure which blog post he's referring to, though. 10:57:08
10 Q. Well, let me go back to Alex just for a quick 10:57:12
11 second. What did you think about him? Was he capable? 10:57:17
12 A. I don't remember having many interactions with 10:57:29
13 Alex. After this one meeting, he kind of disappeared, 10:57:33
14 to be honest. So I didn't have much opportunity to form 10:57:37
15 an opinion on him to be -- 10:57:41
16 Q. Did -- okay. Did Google assist you with 10:57:44
17 finding suppliers or parts for your VR viewers? 10:57:48
18 A. I'm trying to -- I'm sorry. Can you repeat 10:57:55
19 that? 10:58:05
20 Q. Yeah. Did Google -- you've testified that 10:58:06
21 Google had helped with marketing, and was helping with 10:58:10
22 sales and PR. I'm just wondering if they helped in 10:58:14
23 other ways with, for example, finding suppliers or 10:58:18
24 parts? 10:58:22
25 A. Yes. 10:58:25

1 Q. Okay. What other ways did Google help? 10:58:31

2 A. It's my recollection that they put us in touch 10:58:39

3 with a lens -- a lens manufacturer, or a lens supplier, 10:58:47

4 so that we could get lenses for the products that we 10:58:52

5 made. 10:58:57

6 Q. Anything else? 10:58:59

7 A. There may have been others. I just am not 10:59:03

8 recalling what they were. That was the one that stands 10:59:17

9 out in my memory the most. 10:59:25

10 Q. I want to move up to the next email. So, 10:59:28

11 okay, the last email stamp that we saw was July 11th, 10:59:33

12 2014; right? That's when -- the confirmation of the 10:59:38

13 Wednesday meeting. And then there it looks like there 10:59:45

14 is an undated email. It got truncated or something; am 10:59:48

15 I right? Do you see that? There is the Friday, July 10:59:54

16 11th, 2014, 2:57 email, Craig, from Craig. And then 10:59:57

17 Andrew wrote an email. Okay. The next email is Friday, 11:00:00

18 July 25th, 2014. 11:00:05

19 A. Yeah. 11:00:15

20 Q. So do you know the date on which you filed 11:00:15

21 your provisional application? 11:00:18

22 A. Not off the top of my head, but it was around 11:00:24

23 this time, I believe. 11:00:27

24 Q. July 16th, 2014? 11:00:28

25 A. Are you stating that or is that -- 11:00:37

1 Q. I'll give you a copy of your patent. 11:00:42

2 A. Oh, that would be great. Thanks. 11:00:45

3 MR. KIKLIS: I assume you have this, Cortney; 11:00:47

4 right? 11:00:51

5 MR. ALEXANDER: If you have a paper copy, I'll 11:00:52

6 take it. 11:00:57

7 MR. KIKLIS: But, of course, let's kill more 11:00:58

8 trees. 11:01:02

9 MR. ALEXANDER: It sounds like you've already 11:01:03

10 killed it. 11:01:06

11 (Exhibit 1001 referenced.) 11:01:12

12 Q. (BY MR. KIKLIS) I've handed you what has been 11:01:17

13 marked as 1001. Do you recognize it? 11:01:21

14 A. I do. 11:01:25

15 Q. What is it? 11:01:26

16 A. It's a patent application, or a patent for the 11:01:31

17 075 patent. 11:01:37

18 MR. KIKLIS: By the way, for the record, all 11:01:37

19 of my exhibit numbers are relevant to the 00707 case, 11:01:38

20 and there are corresponding exhibits in the other cases 11:01:44

21 as well. So just to make that clear on the record. 11:01:48

22 Q. (BY MR. KIKLIS) Okay. Now, if you look under 11:01:52

23 "Related U.S. Application Data" on the front. That's 11:01:55

24 paragraph (60), or I don't know what they call that, in 11:01:59

25 parentheses. Do you see that under "Related U.S. 11:02:05

1	Application Data"?	11:02:07
2	A. Yes.	11:02:09
3	Q. So your provisional was filed on July 16,	11:02:09
4	2014; correct?	11:02:16
5	A. Correct.	11:02:17
6	Q. And that was after the meeting of July, in	11:02:17
7	July, that you had with Alex; right?	11:02:24
8	MR. ALEXANDER: Object to form.	11:02:28
9	THE WITNESS: Wednesday afternoon. It might	11:03:15
10	be helpful to just look at what Wednesday afternoon,	11:03:22
11	after the Friday, July 11th is. It's my recollection	11:03:26
12	that we filed the provisional before I had any meeting	11:03:30
13	with Alex. That's --	11:03:36
14	Q. (BY MR. KIKLIS) I think that -- well, Friday,	11:03:38
15	July 11th, right? So then Saturday, Sunday would be the	11:03:39
16	12th and 13th; Monday the 14th; Tuesday, 15th.	11:03:43
17	A. Wednesday, 16th.	11:03:48
18	Q. Right. So you filed your provisional on the	11:03:48
19	day of the meeting?	11:03:51
20	A. On the day, but before the meeting, that's	11:03:53
21	correct.	11:03:57
22	MR. KIKLIS: You know, we've been going for	11:03:57
23	like an hour-and-a-half. I think we should take a	11:03:59
24	ten-minute break now. Does that work for you guys?	11:04:01
25	MR. ALEXANDER: Sure.	11:04:06

1	THE WITNESS: Sure.	11:04:07
2	MR. KIKLIS: Okay. Why don't we go off the	11:04:09
3	record.	11:04:11
4	THE VIDEOGRAPHER: Okay. We are off the	11:04:12
5	record. And the time is 11:04 a.m.	11:04:13
6	(Recess.)	11:04:19
7	THE VIDEOGRAPHER: We are back on the record.	11:18:38
8	The time is 11:18 a.m.	11:18:40
9	Q. (BY MR. KIKLIS) Okay. So then welcome back,	11:18:43
10	Mr. Buckley. Did you talk to anybody about this case or	11:18:52
11	your testimony during the break?	11:18:56
12	A. No.	11:18:58
13	Q. I would like to now look at the email on	11:18:58
14	Exhibit 2034, from Friday, July 25th, 2014, at 7:32.	11:19:02
15	Before we get there, are you aware of any	11:19:13
16	other meetings with Google in the 2014 time frame?	11:19:17
17	A. I'm not aware of any, but there very well	11:19:29
18	could have been meetings that I wasn't involved in. I	11:19:33
19	was -- but between DODOcase and Google, you are meaning?	11:19:38
20	Q. Yes.	11:19:38
21	A. Yes.	11:19:47
22	Q. Okay. So let's look at that email. It's from	11:19:47
23	you to Andrew; is that right?	11:19:50
24	A. I'm sorry. Which email?	11:19:52
25	Q. July 25th, 2014, 7:32 a.m.	11:19:54

1 you also say that? 11:21:27

2 A. I did. 11:21:28

3 Q. And then you go on to say, "Please pass along 11:21:28

4 the idea to Alex. I don't believe I have his email." 11:21:31

5 Did you say that as well? 11:21:35

6 A. It looks like I did, yeah. 11:21:37

7 Q. So in this paragraph, you are thinking about 11:21:38

8 tweaking your design; right, from a simple plastic sheet 11:21:43

9 coated with antistatic bag or maybe a thin copper sheet. 11:21:48

10 Is that right? 11:21:56

11 A. Sorry. Say the question one more time. 11:21:56

12 MR. KIKLIS: Could you repeat the question, 11:21:56

13 please? 11:21:57

14 (The reporter read back the requested 11:22:13

15 testimony.) 11:22:13

16 THE WITNESS: I wouldn't say what I'm 11:22:15

17 describing here is a tweaking of the design. I would 11:22:19

18 say, it's a statement of prototype. 11:22:24

19 Q. (BY MR. KIKLIS) Tweaking of prototype? 11:22:29

20 A. It says, "I am most excited by what I think is 11:22:32

21 a breakthrough on a very simple conductive touch 11:22:36

22 button." I'm describing something I've already done, 11:22:40

23 so... 11:22:40

24 Q. Did you actually do your prototype with both a 11:22:47

25 simple plastic sheet coated with antistatic bag and a 11:22:52

1 thin copper sheet? Did you try each alternative? 11:22:57

2 A. I tried a number of -- I do recall trying a 11:23:01

3 number of different materials. I couldn't tell you 11:23:05

4 specifically at this point in time which materials I 11:23:11

5 tested. I did bring a simple mock-up of what that 11:23:15

6 prototype video describes. I am happy to show it to 11:23:29

7 you, if it's helpful, to illustrate the concepts. 11:23:33

8 Q. You go on to say, "Please pass along the idea 11:23:36

9 to Alex. I don't believe I have his email." Did you 11:23:39

10 say that? 11:23:44

11 A. That's what's written here, yeah. 11:23:44

12 Q. So why did you want to pass along the idea to 11:23:46

13 Alex? 11:23:50

14 A. I don't recall exactly why. Maybe it was 11:23:51

15 because we had met earlier. 11:23:55

16 Q. Were you looking for him to comment? 11:23:58

17 A. I -- I couldn't -- I couldn't tell you, 11:24:03

18 because it's not -- not something I recall in terms of 11:24:06

19 what my motivation was there. 11:24:11

20 Q. In the next paragraph you say, "Double click 11:24:13

21 is not as intuitive with this button mechanism." Did 11:24:16

22 you say that? 11:24:21

23 A. Yeah. 11:24:22

24 Q. You go on to say -- and why did you say that? 11:24:23

25 A. I recall that comes back to that first 11:24:28

1 question we talked about with the -- what was it in 11:24:34
2 the -- I think it was the -- go back to that 11:24:50
3 Friday -- or Thursday, July 10th, 2014 email, that you 11:25:17
4 were asking me about. "I noticed for the double tap 11:25:21
5 trigger and the cardboard app it pops opens the top and 11:25:28
6 bottom nav bars. But using magnetic trigger, it does 11:25:33
7 not." 11:25:38

8 Q. So let me go on then. After that sentence, 11:25:38
9 you say, "I think it would be better if the software 11:25:42
10 responded to a single touch event. If false positives 11:25:46
11 are a problem, then maybe it could be narrowed down to a 11:25:49
12 touch somewhere close to the center of the screen. I am 11:25:51
13 imagining that the edge of the viewer might cause errant 11:25:54
14 touch event, and that is why you guys made the action 11:26:04
15 double tap." 11:26:04

16 A. Right. 11:26:04

17 Q. Did you say that? 11:26:04

18 A. I did. 11:26:05

19 Q. So what's your concern here? 11:26:07

20 A. I recall that the Google Cardboard application 11:26:09
21 on Android didn't accept single touches for some reason. 11:26:14
22 Like most of the time on your smartphone, you know, you 11:26:22
23 tap it, and one tap, there is a trigger. For some 11:26:27
24 reason, they had it set to double tap, from what I 11:26:31
25 recall. And that, you know, is kind of counter 11:26:34

1 intuitive, because you expect your phone when you touch 11:26:38
2 it once, to do something. 11:26:42
3 And I think we were talking about is like if I 11:26:44
4 had my phone, for example. You know, and sometimes you 11:26:48
5 tap it, and it does different stuff, maybe a bar comes 11:26:55
6 down or -- at the time. You know, those kinds of things 11:26:59
7 can happen on a phone. And that was what we were, I 11:27:02
8 think, referring to, or what I was referring to there. 11:27:06
9 Q. Then you go on to say in the next couple of 11:27:11
10 paragraphs down -- well, the next paragraph. You say 11:27:14
11 you also tried some stuff that didn't work as reliably; 11:27:17
12 right? 11:27:17
13 A. Uh-huh. 11:27:23
14 Q. And then in the paragraph with the dash in 11:27:23
15 front of it, you said "- Thin vinyl sheet with thin 11:27:28
16 copper trace that lays directly on top of screen, copper 11:27:34
17 is touched by finger away from screen with the thought 11:27:34
18 that the capacitance of body would be carried to desired 11:27:47
19 zone." 11:27:47
20 So what you are saying here is that somebody 11:27:50
21 would touch a thin piece of copper, that will then 11:27:52
22 transmit electric charge of some sort to the touch 11:27:57
23 screen. Is that what you are saying? 11:28:04
24 A. Yeah, I mean, I can illustrate this point well 11:28:06
25 with a demonstration, if you'd like, if that helps 11:28:11

1 Q. Now, does that move towards the touch screen, 11:29:41
2 or is it already resting up against it? 11:29:44

3 A. Well, I can demonstrate to you what -- like 11:29:46
4 how it works. 11:29:49

5 Q. Now, this is your first prototype? 11:29:50

6 A. This is a re-creation of what's in the video, 11:29:53
7 a simplified re-creation. What's in the video is 11:29:56
8 basically this (indicating), but inside of a cardboard 11:30:00
9 housing. That's what's in the video, which we can 11:30:06
10 review, if you want. 11:30:08

11 Q. Okay. And maybe we'll get to that. Okay. So 11:30:08
12 let's go -- 11:30:12

13 A. So what I was saying there, to answer your 11:30:12
14 question. What doesn't work is when you have something 11:30:15
15 laying on the screen in contact, always in contact, and 11:30:20
16 a person is touching that material. It won't reliably 11:30:25
17 activate the touch screen event. 11:30:32

18 What I'm highlighting in the upper part is 11:30:34
19 that it's important that you have the material, plus the 11:30:38
20 action of a physical motion of it coming in and out of 11:30:43
21 the screen. So it's that combination that, I think I'm 11:30:47
22 explaining it -- I'm trying to explain it like that's 11:30:51
23 the breakthrough thing that it's like working reliably. 11:30:54

24 And if I had to venture a guess, you know, if 11:30:58
25 Google had been trying to work on something like this, 11:31:03

1 which it appears they may have been, from their previous 11:31:06
2 emails. That might have been where they were getting 11:31:10
3 hung up, that they had something that was just always in 11:31:13
4 contact with the screen. And then they were having 11:31:16
5 somebody touch it off, you know, at the user input, and 11:31:19
6 it wasn't working reliably. 11:31:24

7 Q. I would appreciate it if you would answer my 11:31:27
8 question -- 11:31:27

9 A. Okay. That's all right. I'm just giving you 11:31:27
10 context. 11:31:27

11 Q. -- and then not going on a rant? 11:31:30

12 A. Sure. Sure. 11:31:32

13 Q. So let's go to the next email. I think that's 11:31:34
14 Saturday, July 26th, 2014, from Andrew to you. He says, 11:31:37
15 "Hi Patrick, That button looks really neat. Thanks for 11:31:49
16 sharing. [REDACTED] [REDACTED]

[REDACTED] 11:31:58

18 Did I read that right? 11:32:00

19 A. I'm going to start, which email is this? 11:32:02
20 What's the date? 11:32:04

21 Q. July 26th, 2014, 5:19 p.m. 11:32:04

22 A. "Thanks for sharing. [REDACTED] [REDACTED] [REDACTED]

[REDACTED] 11:32:15

24 Q. Did I read that right? 11:32:18

25 A. Yeah, it sounds right. 11:32:21

1 Q. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] there 11:32:36
4 is something about the way that the software on the 11:32:41
5 device, or the inside of the Google Cardboard mobile 11:32:46
6 application, is there something about the way that 11:32:52
7 that's functioning in terms of it requiring a double tap 11:32:55
8 to put an input into that application running on the 11:33:01
9 phone? [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] Is how I understand what he wrote 11:33:18
12 there. 11:33:21
13 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] 11:33:40
18 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 11:34:15

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1 A. Right. 11:37:29

2 Q. Okay. How many referrals did you get through 11:37:30

3 the WWGC? 11:37:32

4 A. I couldn't give you a specific number. And at 11:37:36

5 what time period are you looking for, I guess, is 11:37:38

6 also -- 11:37:42

7 Q. As much as you can give me for the run of your 11:37:43

8 product. You sold your product for how many years? 11:37:47

9 A. Like I said, we had a number of different 11:37:52

10 versions, so they each had a different life kind of 11:38:01

11 span. So could you, I guess, clarify? 11:38:05

12 Q. I'm talking about all of them, overall the 11:38:09

13 entire lifespan of all of your VR viewers. 11:38:12

14 A. All the VR viewers. 11:38:16

15 Q. On the part of the Works With Google Cardboard 11:38:18

16 program, how many referrals do you think you received 11:38:24

17 from the Works With Google Cardboard website? 11:38:28

18 A. [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:38:51

22 Q. Can you estimate that percentage? 11:38:55

23 A. I really -- like I couldn't, but it might be 11:38:58

24 in the exhibits. There might be some evidence with what 11:39:04

25 it is there. We did -- [REDACTED] 11:39:07

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:39:38
7 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] NYVR 11:40:10
11 meetup. 11:40:16
12 Q. What's that? 11:40:17
13 A. I think it's like kind of a hobbyist group or 11:40:20
14 a, you know, a trade group that -- NYVR stands for New 11:40:32
15 York VR. So I think it's a group that hosts meetups for 11:40:40
16 people that are interested in virtual reality in New 11:40:49
17 York. There is an SFVR as well. You know, there is 11:40:49
18 these different groups that have interests in -- yeah, 11:40:55
19 so they are basically people that have meetups that are 11:40:57
20 interested in a certain topic. 11:41:01
21 Q. So Andrew introduced you to Eric Greenbaum in 11:41:03
22 the hopes that you guys might do business together? 11:41:07
23 A. Regarding NYC. Right, it looks like I was in 11:41:20
24 New York for a period of time. And he offered up Eric 11:41:47
25 as someone that might be good to meet up with. 11:41:50

1 Q. For what purpose? 11:41:54

2 A. Well, I -- you know, we had an interest in 11:42:10

3 connecting with people that were interested in VR, 11:42:13

4 because we were selling a VR product. I, personally, 11:42:17

5 spoke at a number of meetups or conferences to drive 11:42:24

6 awareness around our products and what we were doing. 11:42:28

7 Q. So it's more exposure for your product and for 11:42:32

8 your company? 11:42:37

9 A. Yeah, exposure you could say or -- 11:42:38

10 Q. Advertising? 11:42:43

11 A. Connections. I'm like -- I wouldn't say, 11:42:44

12 advertising so much. 11:42:48

13 Q. But certainly getting the word out? 11:42:50

14 A. Yeah, getting the word out, sure. 11:42:53

15 Q. Let's go on to the last -- well, second to 11:42:55

16 last email -- July 28th, 2014, at 10:39. That looks 11:43:02

17 like it is Alex sent you an email. Clay might have been 11:43:07

18 on that as well. He says, "Hey, guys, that's an 11:43:18

19 ingenious button. Does it work consistently on a 11:43:28

20 variety of phones? I would love to play with it." Did 11:43:32

21 he say that? 11:43:37

22 A. Yes, that's what it looks like he said here. 11:43:38

23 Q. [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:43:47

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:44:04
6 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:44:34
12 Q. [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:45:17
22 Q. Did you adopt his suggestion? 11:45:19
23 A. No, I didn't. 11:45:22
24 Q. [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:45:26

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] 11:45:35
4 Q. Do you remember using that Android app? 11:45:37
5 A. I don't recall using that specific app, but 11:45:40
6 there are a number of apps that kind of do what he 11:45:44
7 describes. I may have used that app, but I -- I don't 11:45:47
8 recall. But I -- 11:45:51
9 Q. Well, he was trying to help you; right? 11:45:52
10 A. Well, I would say he was trying to complicate 11:45:55
11 my life, [REDACTED]. 11:45:58
12 And he kind of was mistaken in the way he described the 11:46:02
13 software functionality. So I would describe this as 11:46:07
14 kind of mis-directioned, honestly. And we ended up 11:46:12
15 ignoring it. 11:46:18
16 Q. Say that again. I'm sorry. What -- 11:46:18
17 A. Kind of ended up ignoring -- ignoring this 11:46:21
18 advice, because it was just bad advice. And I have a 11:46:29
19 number of friends who are Android app developers, and 11:46:34
20 they were like, this guy doesn't know what he is talking 11:46:37
21 about. Because this is not how -- you don't need to do 11:46:41
22 this. It's not how it works. So I'm -- you know, 11:46:44
23 Android app and Android software is not my area of 11:46:44
24 expertise. But I do remember this being kind of a head 11:46:50
25 scratcher. 11:46:55

1	MR. KIKLIS: Okay. Could you mark this as	11:47:16
2	Exhibit No. 1? And then just hand it to the witness.	11:47:18
3	(Exhibit 1 marked.)	11:47:21
4	Q. (BY MR. KIKLIS) I'm going to ask you to put	11:47:22
5	your phone away, please.	11:47:24
6	A. Yeah, I am just silencing it.	11:47:27
7	Q. You've been handed what's been marked as	11:47:30
8	Exhibit 1. Do you recognize this?	11:47:33
9	A. It's the -- yep, I recognize it.	11:47:42
10	Q. And I'm going to start at the very, very top.	11:48:01
11	A. On page 1 or are you --	11:48:06
12	Q. [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	11:48:22
17	Q. It kind of sounds like he's cheering you on,	11:48:24
18	huh?	11:48:30
19	A. These sound like encouraging words, yes.	11:48:34
20	Q. [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	11:49:12

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] . 11:49:17
4 Q. So it sounds like he's touting you to senior 11:49:19
5 management at Google; right? 11:49:26
6 A. He certainly wants to report some key business 11:49:31
7 information about us to Google leadership. Yeah, that's 11:49:35
8 what he's saying. 11:49:40
9 Q. Now -- 11:49:41
10 A. And that, you know, had mentioned that Google 11:49:57
11 was trying to show they had momentum in the space. 11:49:59
12 Andrew's -- he knows Andrew's personal business 11:50:02
13 reputation inside of Google could have something to do 11:50:05
14 with how we were doing as well, or the momentum of their 11:50:08
15 Cardboard program was doing, so... 11:50:14
16 Q. [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 11:51:52



17

22

23

24

25

Q. So not all viewers have a capacitive input

11:53:56

Google Ex. 1023, p. 084

1 mechanism; right? 11:54:00

2 A. Well, Google's Version 1 Cardboard -- 11:54:02

3 Q. I should say "conductive." Let me back up. 11:54:05

4 A. Okay. 11:54:08

5 Q. So not all viewers at this time had a 11:54:10

6 conductive input mechanism; right? 11:54:14

7 A. When you say "conductive input mechanism," are 11:54:25

8 you referring to DODOcase's input mechanism? 11:54:29

9 Q. I'm more referring to any conductive input 11:54:35

10 mechanism. Where the user touches some conductive 11:54:40

11 material, that then transmits an electrical charge or 11:54:48

12 disturbance to the touch screen and causes a touch 11:54:54

13 event? 11:54:57

14 A. It's my understanding that we were trying to 11:54:58

15 make a distinction between a device with the magnet 11:55:01

16 input that the first version of Google Cardboard had, 11:55:05

17 and the design of our button, which relied on the touch 11:55:09

18 screen input. And we needed -- we wanted -- we were 11:55:13

19 trying to figure out how an NFC tag could be used to 11:55:16

20 inform the software on the device which type of viewer 11:55:23

21 it was in. I think that -- yeah, partially to get 11:55:27

22 around this double tap thing that Alex was confusing us 11:55:45

23 about. 11:55:50

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:56:06

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] 11:56:24
4 A. I don't believe the WWGC program existed at 11:56:33
5 the time that this email was written. 11:56:38
6 Q. But there was a sense that that was being 11:56:41
7 developed; right? Because you said months ago that you 11:56:45
8 were talking to them about having such a program; right? 11:56:46
9 A. Yeah, I can't recall when or how far along. 11:56:50
10 But certainly, people were interested in being part of 11:56:53
11 whatever partnership opportunity there was with Google, 11:56:57
12 whether it was called Works With Google Cardboard, or 11:57:01
13 Cardboard, or, you know, whatever they called it. 11:57:07
14 Q. [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] 11:57:20
18 So you are soliciting input from Google; 11:57:20
19 right? 11:57:20
20 A. Well, again, I mean, we were talking about 11:57:26
21 this idea of feedback. You know, this is one of those 11:57:28
22 sensitive topics where if you do it the wrong way, 11:57:40
23 Google might punish you. They might kick you out of 11:57:47
24 their program, or not send you business referrals. So, 11:57:53
25 you know, they set a protocol, and if you deviate from 11:57:56

1 their protocol -- and sometimes that protocol is not 11:58:00
 2 clearly communicated, and you have to, I think, feel it 11:58:06
 3 out and ask them questions about what they really want 11:58:07
 4 you to do as a partner, right. And I would describe 11:58:10
 5 that as -- you know, I would describe these 11:58:14
 6 communications in that nature. 11:58:16

7 We became quite frustrated with the NFC tag 11:58:18
 8 situation, because Google kept changing their mind, or 11:58:23
 9 altering the program, or telling us to do this, and that 11:58:27
 10 we're not telling us when we're trying to make a 11:58:31
 11 product, you know, so... 11:58:34

12 Q. I would like to move on to WWGC. Do you know 11:58:36
 13 what that is? 11:58:43

14 A. I believe you are referring to the Works With 11:58:44
 15 Google Cardboard program. 11:58:49

16 Q. That's right. Was DODOcase a member of WWGC? 11:58:50

17 A. We were. I believe we might have been the 11:58:57
 18 first member. 11:58:57

19 Q. Why did you join? 11:58:59

20 A. Again, we saw an opportunity for marketing, 11:59:01
 21 and being, you know, traffic acquisition for customers, 11:59:07
 22 referrals for BD, and things of that nature. 11:59:18

23 Q. Referrals BD, business development? 11:59:21

24 A. Business development, yeah. 11:59:24

25 Q. So were there marketing benefits to be a 11:59:26

1 member of WWGC? 11:59:31

2 A. Yes. 11:59:33

3 Q. And what were they? 11:59:34

4 A. All of those things I just said, business 11:59:35

5 development opportunities, traffic, referrals from the 11:59:38

6 website, press, marketing. 11:59:43

7 Q. Anything else you can think of? 11:59:54

8 A. I mean, I think those would have been our main 11:59:57

9 motivations. So there may have been other -- other 12:00:01

10 aspects to being a partner that were helpful, that I'm 12:00:03

11 not thinking of. But I would say those were the 12:00:08

12 priority kind of things for us. 12:00:11

13 Q. Now, when you are a WWGC member, you get to 12:00:13

14 put a stamp on your product; is that right? 12:00:20

15 A. At one point -- and this was a program that 12:00:22

16 kind of evolved. So it depends at what point in time 12:00:26

17 you are referring to. But at one point, there were 12:00:30

18 requirements to put some kind of logo or designation. 12:00:33

19 Q. WWGC compatible, something like that? 12:00:40

20 A. Correct. 12:00:44

21 Q. Do you remember what the logo was? 12:00:44

22 A. I kind of have a recollection. I think it 12:00:48

23 might be in one of the exhibits, in the manufacturing 12:00:52

24 guideline exhibit, whatever that is. 12:00:55

25 Q. And so what were the benefits of having this 12:00:57

1 WWGC brand on your product? 12:01:03

2 A. I think there were benefits to Google in that 12:01:06

3 it made their VR ecosystem look large, right, so... 12:01:10

4 Q. I'm talking about benefits to DODOcase. 12:01:18

5 A. Of having the logo, specifically? 12:01:25

6 Q. Uh-huh. 12:01:28

7 A. I think that there was a certain perception in 12:02:03

8 the market that if Google partnered with you, then you 12:02:07

9 were more legitimate. 12:02:14

10 Q. Now, what was -- there was an application echo 12:02:17

11 system as part of WWGC; is that right? 12:02:21

12 A. You mean, ecosystem? 12:02:25

13 Q. Ecosystem, yes. 12:02:27

14 A. Right. You mean, software applications? 12:02:30

15 Q. Yes. There were a set of -- my understanding, 12:02:33

16 correct me if I'm wrong, is that by being WWGC -- a WWGC 12:02:36

17 member, you had -- were compliant and could use and make 12:02:41

18 available and use all these applications as part of the 12:02:46

19 ecosystem; right? 12:02:50

20 A. I think that Google was interested in making 12:03:03

21 the ecosystem seem vibrant, so that software developers 12:03:07

22 would make VR applications that ran on Android devices. 12:03:15

23 And this is kind of a two-sided marketplace, where 12:03:17

24 software application people don't want to spend time and 12:03:19

25 energy making software, if there are people with the 12:03:23

1 hardware devices to use their software. So, you know, 12:03:26
2 you have to kind of create this two-sided marketplace -- 12:03:29
3 Q. I understand that. 12:03:29
4 A. -- in order to drive that ecosystem. 12:03:33
5 Q. I understand that. So by having a rich set of 12:03:36
6 application programs as part of this WWGC program, that 12:03:39
7 allowed developers to utilize those applications without 12:03:44
8 having to develop them themselves. Is that what you are 12:03:48
9 saying? 12:03:52
10 A. I wouldn't say that, we, as a member of WWGC, 12:03:52
11 utilized the application -- and there were certainly VR 12:03:58
12 headsets that were not in the WWGC program that could 12:04:02
13 also use these VR applications. So, I mean, I guess it 12:04:06
14 wasn't exclusively, you needed to be in WWGC in order to 12:04:14
15 use a VR application, or you had to buy a product that 12:04:20
16 was WWGC certified in order to use a VR application on 12:04:23
17 the Android device. So that connection -- that 12:04:29
18 connection didn't exist. 12:04:33
19 Q. But what did customers understand that by 12:04:34
20 getting a WWGC member device, they could make use of all 12:04:38
21 of those applications in the ecosystem? 12:04:45
22 A. You know, I'm not sure what the end consumers 12:04:52
23 mindset is related to this. I think, as I said, it gave 12:04:55
24 it an air of credibility. But you certainly didn't need 12:05:00
25 to buy a WWGC device to use your smartphone for VR, and 12:05:05

1 VR apps that were developed maybe as part of the WWGC 12:05:12
 2 program. Like Google had its own Cardboard application, 12:05:16
 3 VR application. And that application could be used in a 12:05:20
 4 generic VR headset that wasn't WWGC certified. 12:05:25

5 Q. Now, DODOcase was admitted to the WWGC program 12:05:30
 6 as a featured device tier; is that right? 12:05:36

7 A. I don't recall. I don't recall there being 12:05:43
 8 different tiers, but I could be incorrect about that. 12:05:48

9 (Exhibit 2004 referenced.) 12:06:08

10 Q. (BY MR. KIKLIS) I'm handing you what's been 12:06:23
 11 marked as Exhibit 2004. Do you recognize that? 12:06:25

12 A. Yes. 12:06:32

13 Q. What is it? 12:06:32

14 A. It's the First Amended Complaint For Patent 12:06:36
 15 Infringement, DDC Technology, versus Google, LLC, and 12:06:41
 16 Orora Packaging Solutions. 12:06:49

17 Q. Did you review that before that was filed? 12:06:54

18 A. I believe I did. 12:06:57

19 Q. So I would like to direct your attention to 12:06:58
 20 paragraph 42. 12:07:00

21 A. Oh, paragraph 42, page 11? 12:07:13

22 Q. Let's take a peek. It is on page 11, yes, 12:07:25
 23 paragraph 42. It says, "DODOcase was admitted to the 12:07:29
 24 'Featured Device Tier' of the WWGC program." And it 12:07:34
 25 continues for the rest of that sentence. I'm not going 12:07:39

1 to read it all. 12:07:42

2 A. Uh-huh. 12:07:43

3 Q. Do you see where it says that? 12:07:44

4 A. Right, I do see that. 12:07:46

5 Q. Okay. So do you know what the "featured 12:07:47

6 device tier" is on the WWC program -- the WWGC program? 12:07:51

7 A. I believe that meant that we were featured on 12:07:57

8 the website for the WWGC program. 12:08:00

9 Q. Now, the rest of that sentence goes on to say 12:08:02

10 in parentheses -- well, let me just read the whole 12:08:06

11 sentence into the record. "DOD0case was admitted to the 12:08:09

12 'Featured Device Tier' of the WWGC program (a higher 12:08:18

13 tier than the 'Certified Device' and 'Non-Certified 12:08:23

14 Device' tiers), which required a commitment to 12:08:34

15 production of 100,000 units within six months of launch 12:08:34

16 in collaboration with Google." 12:08:38

17 Did I read that paragraph correctly? 12:08:40

18 A. You did, yes. 12:08:47

19 Q. Okay. So featured device tier is a higher 12:08:48

20 tier than a certified device and a non-certified device; 12:08:52

21 is that right? 12:08:57

22 A. I believe that's correct. 12:08:57

23 Q. So what benefits did you have as being 12:08:58

24 admitted to the featured device tier, that other members 12:09:03

25 who were merely certified device or non-certified device 12:09:07

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1 tiers have? 12:09:14

2 A. What benefits would a featured device tier 12:09:15

3 member have versus a certified device or non-certified 12:09:20

4 device? 12:09:26

5 Q. Correct. 12:09:28

6 A. It's my understanding that the main benefit is 12:09:30

7 being on the Works With Google Cardboard website, which 12:09:31

8 got a lot of traffic, and would create, you know, 12:09:36

9 customer traffic flow and sales for our product. 12:09:40

10 Q. As you go through each, I'm going to follow 12:09:45

11 up, if I may? 12:09:47

12 A. Sure. 12:09:48

13 Q. So certified device and non-certified device 12:09:48

14 tiers were not listed on the WWGC website; is that 12:09:52

15 right? 12:09:56

16 A. I believe that's the case. You know, the 12:09:56

17 program, as I mentioned changed, and kind of the 12:10:00

18 terminology changed over time. So the answer to your 12:10:04

19 question might have been different if you were referring 12:10:18

20 to, you know, early 2015 versus 2018, for example. But 12:10:20

21 I think these general categories, if I could describe my 12:10:26

22 understanding of how the WWGC program worked, if you 12:10:28

23 want me to. I think it probably outlined in detail in 12:10:32

24 other places, but... 12:10:35

25 Q. I don't want to hear details about how WWGC 12:10:36

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1 worked. What I'm asking are a list of the benefits that 12:10:40
2 DODOcase had by virtue of being on the featured device 12:10:44
3 tier that other companies that were merely certified 12:10:51
4 device or non-certified tiers would have. 12:10:55
5 A. Right. 12:10:55
6 Q. So you have already mentioned listing on the 12:11:01
7 website. Are there any other benefits? 12:11:03
8 A. There -- I mean, there were obligations in 12:11:08
9 that we had to get our devices certified and approved. 12:11:10
10 I think there were -- 12:11:14
11 Q. Remember, I'm asking about benefits. 12:11:15
12 A. Yeah, well, I mean, that's kind of a two-sided 12:11:17
13 thing, right. Because being part of the program, our 12:11:21
14 obligations kind of lent the credibility, which the 12:11:26
15 Google Cardboard, or WWGC program provided you, right. 12:11:33
16 Where if we didn't go through some kind of a 12:11:37
17 certification process, maybe the program wouldn't have 12:11:41
18 the reputation it would have. So, you know, the 12:11:44
19 benefits come with obligations kind of situation. 12:11:49
20 Q. So in other words, it was a big deal to be 12:11:52
21 considered a featured device tier, in that you had to, 12:11:55
22 you know, jump over some hurdles? 12:11:59
23 A. Right. It's like kind of joining a golf club 12:12:01
24 or something, you have to go through a process, right. 12:12:05
25 Q. Right. Right. Right. 12:12:08

1 A. Which is like part of the benefit is that you 12:12:10
2 have to do those obligations to kind of -- yeah. 12:12:11
3 Q. But there was a prestige associated with it? 12:12:13
4 A. Yes, I would say that's true. 12:12:17
5 Q. Any other benefits that you can think of 12:12:19
6 sitting here today? 12:12:22
7 A. Well, sometimes there were, you know, 12:12:24
8 introductions for business development opportunities, or 12:12:26
9 I think at one point there were lenses or, you know, a 12:12:31
10 supplier for lenses that were kind of shared with 12:12:38
11 members. And then Google at one point also provided a 12:12:43
12 manufacturing instructions around the launch of their 12:12:50
13 second Google Cardboard device, which anyone could 12:12:56
14 download from the website. But maybe people in 12:13:04
15 the -- in this tier might have gotten those -- those 12:13:10
16 kinds of documents earlier than they were generally 12:13:13
17 publicly available. Of course, we viewed that as 12:13:17
18 problematic, because it kind of told everybody to use 12:13:22
19 the invention that I had created. But that's a 12:13:25
20 different point. But call it a benefit, if you want, 12:13:29
21 but I saw that for DODOcase as a -- something 12:13:33
22 detrimental, but... 12:13:37
23 Q. Any other benefits that you could think of? 12:13:39
24 A. Not that I can think of. 12:13:41
25 (Exhibit 2043 referenced.) 12:13:44

1	Q. (BY MR. KIKLIS) Mr. Buckley, I'm handing you	12:14:05
2	what's been marked as Exhibit 2043.	12:14:08
3	A. Can I put this one up?	12:14:12
4	Q. You can put that aside, yes.	12:14:14
5	A. Yeah.	12:14:14
6	Q. Do you recognize Exhibit 2043?	12:14:34
7	A. I do recognize it, yes.	12:14:41
8	Q. What is it?	12:14:56
9	A. It looks like an email from the Works With	12:14:57
10	Google Cardboard program announcing the V2 manufacturing	12:15:06
11	guide.	12:15:14
12	Q. I would like to direct your attention to page	12:15:14
13	3. Have you read this before?	12:15:17
14	A. Yes.	12:15:17
15	Q. Okay. I would like to direct your attention	12:15:20
16	to page 3. Do you see where it says "Input"?	12:15:21
17	A. I do.	12:15:30
18	Q. The first sentence of the first paragraph	12:15:30
19	says, "Your viewer should contain exactly one input."	12:15:34
20	Did I read that right?	12:15:38
21	A. Yes.	12:15:40
22	Q. The next paragraph, it says, "Your viewer can	12:15:40
23	use different types of inputs, from a simple smartphone	12:15:45
24	screen touch, conductive and capacitive inputs, to	12:15:49
25	Bluetooth-based buttons, magnets, and so on."	12:15:55

1	Did I read that right?	12:15:58
2	A. You did.	12:16:00
3	Q. So these guidelines state explicitly that you	12:16:00
4	can use to conform with the guidelines, different types	12:16:07
5	of input mechanisms, including conductive and	12:16:16
6	capacitive, but also Bluetooth-based buttons, magnets,	12:16:20
7	and others; is that right?	12:16:26
8	A. That's what that says, yes.	12:16:40
9	Q. And the next sentence goes on to provide	12:16:41
10	guidance if you are specifically using magnet based	12:16:49
11	input; is that right?	12:16:54
12	A. That's right. It kind of highlights the	12:16:56
13	problem we were trying to solve with our invention.	12:17:04
14	Q. Now, do you know of all the WWGC members, do	12:17:07
15	you know what kind of an input mechanism they used?	12:17:12
16	A. At what point in time because --	12:17:19
17	Q. Any point in time. I'm going to go through a	12:17:23
18	list. Tell me if you ever knew what kind of input	12:17:28
19	mechanism they used and the time frame. Acer?	12:17:32
20	A. I don't recall.	12:17:39
21	Q. So you have no recollection of what input	12:17:40
22	mechanism Acer used; is that right?	12:17:45
23	A. I have no recollection of Acer being part of	12:17:49
24	the WWGC program, to be honest, but they may have been.	12:17:54
25	Q. Okay. Aumentaty, A-u-m-e-n-t-a-t-y?	12:17:58

1	A. Again, I have no recollection of them being	12:18:04
2	part of the --	12:18:07
3	Q. Best Buy?	12:18:08
4	A. I don't -- I don't have a recollection of the	12:18:11
5	specific people in the Works With Google Cardboard	12:18:13
6	program.	12:18:18
7	Q. I'm not asking you if you have a specific	12:18:19
8	recollection of the people. I'm asking you if you have	12:18:21
9	a recollection; general, specific, or otherwise, about	12:18:25
10	the type of input mechanism that these WWGC members	12:18:30
11	used?	12:18:39
12	A. What I recall is that prior --	12:18:45
13	Q. Wait. Wait. And I'm going to go through a	12:18:47
14	list --	12:18:47
15	A. Oh, okay. Sure.	12:18:47
16	Q. -- of every single company. Now, I want to be	12:18:50
17	clear about this, because I don't want to have to repeat	12:18:54
18	this question over, and over, and over.	12:18:54
19	A. Yeah, it would --	12:18:54
20	Q. Do you understand what I'm asking?	12:18:58
21	A. It would helpful to understand it at	12:18:59
22	what -- when you refer to --	12:19:01
23	Q. At any point.	12:19:01
24	A. At any point.	12:19:02
25	Q. At any point, did you know --	12:19:03

1 MR. KIKLIS: What was that? Can we go off the 12:20:28
 2 record just for a second? 12:20:30
 3 THE VIDEOGRAPHER: Yes. We are off the 12:20:31
 4 record. The time is 12:20 p.m. 12:20:33
 5 (Recess.) 12:20:39
 6 THE VIDEOGRAPHER: Let's read us on. The time 12:21:20
 7 is 12:21 p.m. 12:21:25
 8 Q. (BY MR. KIKLIS) We were with Case-Mate. And 12:21:28
 9 you recall them having an input mechanism and a magnetic 12:21:30
 10 input mechanism at some point; is that right? 12:21:35
 11 A. I recall Case-Mate having a product that was 12:21:36
 12 based off the design specifications in this V2 12:21:41
 13 guideline. 12:21:42
 14 Q. Uh-huh. 12:21:43
 15 A. They may also at some point had a magnet type 12:21:44
 16 design that was based off of the V1 Google 12:21:49
 17 specification. And I believe they also had a device 12:21:56
 18 that had no input, that was kind of designed as 12:21:58
 19 a -- like a case that you would attach to your phone and 12:22:02
 20 kind of pop open. It's my recollection that 12:22:05
 21 that -- there was no input on that. It was for just a 12:22:08
 22 viewer. 12:22:11
 23 Q. So Case-Mate had several versions of its VR 12:22:11
 24 viewer with different input mechanisms; right? 12:22:17
 25 A. Different input or absent, you know, absent an 12:22:22

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1	input.	12:22:25
2	Q. The next one is DOD0case, so I think you know	12:22:25
3	that.	12:22:29
4	A. Uh-huh.	12:22:29
5	Q. Goonex/QR Cardboard, do you know what input	12:22:33
6	mechanism they used?	12:22:36
7	A. I don't. I don't recognize that --	12:22:37
8	Q. Okay.	12:22:37
9	A. -- company name.	12:22:39
10	Q. Okay. Handstands?	12:22:39
11	A. I don't recognize that company name.	12:22:41
12	Q. Homido, H-o-m-i-d-o?	12:22:44
13	A. Uh-huh. I remember they had a number of	12:22:55
14	different VR products. Some of them had a capacitive	12:22:58
15	touch button. And some of them had no input mechanism	12:23:02
16	from what I recall. They may have had one that had a	12:23:07
17	magnet as well, but I'm not sure about that.	12:23:11
18	Q. Hoonite, LTD, H-o-o-n-i-t-e?	12:23:14
19	A. Hoonite, that company, I don't recall what	12:23:29
20	products they sold.	12:23:34
21	Q. I AM CARDBOARD?	12:23:35
22	A. I AM CARDBOARD had a touch screen input	12:23:37
23	mechanism.	12:23:46
24	Q. What kind?	12:23:46
25	A. A fair capacitive touch screen input	12:23:47

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1	mechanism, as well as they at one point sold the magnet	12:23:59
2	version. And that's -- those are the versions I recall	12:24:05
3	them selling.	12:24:07
4	Q. Irusu, I-r-u-s-u?	12:24:07
5	A. I would say also, the I AM CARDBOARD also made	12:24:13
6	a product with no input mechanism.	12:24:13
7	Q. Okay. Irusu, I-r-u-s-u?	12:24:13
8	A. I-r-u-s-u. I don't recognize that company.	12:24:13
9	Q. Ken mode VR Nocular?	12:24:27
10	A. I don't recognize that company.	12:24:27
11	Q. Knoxlabs, K-n-o-x-l-a-b-s?	12:24:32
12	A. I think they made -- they have made products	12:24:34
13	of each type; magnet, capacitive touch, and maybe a	12:24:44
14	non- -- a no input product as well. And they	12:24:50
15	sell -- they have become a bit of a marketing for	12:24:54
16	e-commerce platform for selling lots of other people's	12:25:00
17	VR headsets. So if you --	12:25:04
18	Q. I understood and you don't know?	12:25:06
19	A. Right.	12:25:08
20	Q. And Landsberg Orora?	12:25:09
21	A. I understand they made products for Google	12:25:20
22	capacitive touch button input. I'm not sure if they	12:25:23
23	made, also made products during the magnetic input	12:25:27
24	phase, but they may have.	12:25:31
25	Q. Mattel?	12:25:33

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1	A. Mattel made a capacitive touch screen input.	12:25:37
2	Q. Any other types?	12:25:41
3	A. I don't believe so.	12:25:42
4	Q. Maxbox VR?	12:25:45
5	A. They made one of each; a no input, a magnet	12:25:49
6	input, I believe, and a capacitive touch input	12:25:57
7	mechanism.	12:26:00
8	Q. Mii VR?	12:26:01
9	A. I don't recognize that company.	12:26:04
10	Q. Also Migros 2, M-i-g-r-o-s 2?	12:26:06
11	A. Migros.	12:26:13
12	Q. M-i-g-r-o-s 2?	12:26:15
13	A. I don't recognize -- I don't recognize that	12:26:18
14	company.	12:26:20
15	Q. MillBox?	12:26:20
16	A. I don't recognize that company.	12:26:23
17	Q. Okay. Mocom Tech, M-o-c-o-m, T-e-c-h?	12:26:24
18	A. Not one that I recognize.	12:26:33
19	Q. Mr. Cardboard?	12:26:35
20	A. I believe Mr. Cardboard sold one of each	12:26:36
21	category; the no input, magnet input, and capacitive	12:26:42
22	touch screen input.	12:26:48
23	Q. Photontry?	12:26:49
24	A. I don't recognize that company.	12:26:52
25	Q. Powis, P-o-w-i-s, Powis?	12:26:54

1 A. Powis made a touch screen -- or a capacitive 12:26:58
2 touch button. I believe they may have also made a 12:27:02
3 magnet one, and one without an input, potentially. 12:27:05
4 Q. PPI Worldwide (HK) Limited? 12:27:11
5 A. I don't recognize that company. 12:27:16
6 Q. Speck, S-p-e-c-k? 12:27:18
7 A. I recognize that company. I remember, if I 12:27:23
8 recall, they made like a phone case style VR viewer, but 12:27:33
9 I don't believe it had an input mechanism. They may 12:27:38
10 have made other ones that I'm not aware of. 12:27:42
11 Q. Structural Graphics/Red Paper Plane? 12:27:45
12 A. The name sounds familiar, but I'm not -- 12:27:54
13 Q. Swing -- I'm sorry. You said, "I'm not --" 12:27:56
14 Finish that. Are you familiar with them? 12:28:01
15 A. I'm not -- it sounds familiar, but I'm not 12:28:02
16 familiar with the products that they sold. 12:28:06
17 Q. Okay. That was Structural Graphics/Red Paper 12:28:08
18 Plane? 12:28:19
19 A. Uh-huh. 12:28:19
20 Q. Swing? 12:28:21
21 A. Swing? 12:28:21
22 Q. Yes. 12:28:21
23 A. I'm not recognizing that one. 12:28:24
24 Q. Swing VR? 12:28:26
25 A. I'm not recognizing that one. 12:28:28

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1	Q. Unofficial Cardboard?	12:28:30
2	A. I believe that Unofficial Cardboard had a	12:28:37
3	magnet version, capacitive touch screen version, and no	12:28:40
4	input version, I believe.	12:28:47
5	Q. Fusion VR?	12:28:49
6	A. That one is not ringing any bells.	12:28:57
7	Q. White-MillBox?	12:29:00
8	A. Not ringing any bells.	12:29:03
9	Q. Wow! Stuff Immersiverse VR. I will spell it,	12:29:05
10	W-o-w, exclamation, next word, Stuff, S-t-u-f-f, next	12:29:13
11	word, Immersiverse VR?	12:29:21
12	A. Not -- I'm not recognizing it.	12:29:25
13	Q. Xiaomi, X-i-a-o-m-i?	12:29:27
14	A. Sow-me, S- -- sorry. Say that --	12:29:34
15	Q. X-i-a-o-m-i.	12:29:34
16	A. X-a-i- --	12:29:40
17	MR. ALEXANDER: Jhou-may.	12:29:40
18	THE WITNESS: Jhou-may.	12:29:43
19	Q. (BY MR. KIKLIS) Jhou-may.	12:29:45
20	A. Xiaomi, that's like a big China	12:29:45
21	manufacture- -- back like Chinese? Is that the one you	12:29:48
22	are referring to, a big Chinese like a phone --	12:29:51
23	Q. I'm just -- I'm just reading the name. Do you	12:29:52
24	know them? Do you know what VR products they sold?	12:29:54
25	A. If it's the Xiaomi I'm thinking of, they are a	12:29:57

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1	rather large cell phone manufacturer in China, I	12:30:03
2	believe. And a big consumer electronic business in	12:30:08
3	China.	12:30:11
4	Q. Do you know what VR viewers they sold?	12:30:12
5	A. I'm not recalling. I'm not recalling, no.	12:30:16
6	Q. Yoheha, Innovation Limited?	12:30:19
7	A. Yo- --	12:30:29
8	Q. Y-o-h-e-h-a.	12:30:29
9	A. Y-o-h- --	12:30:30
10	Q. -- -e-h-a, Innovation Limited?	12:30:30
11	A. I'm not recognizing that one.	12:30:34
12	Q. Zaak, Z-a-a-k?	12:30:36
13	A. Z-a-a-k, is that Z-a-a-k.	12:30:41
14	Q. Z-a-a-k?	12:30:46
15	A. I'm not recognizing that one.	12:30:49
16	MR. ALEXANDER: I believe the food is here.	12:31:03
17	MR. KIKLIS: Oh, yeah. Then let's take a	12:31:06
18	break for lunch. How long do you want; a half hour?	12:31:08
19	THE WITNESS: A half an hour, 45 minutes, that	12:31:10
20	would be great.	12:31:13
21	MR. KIKLIS: Which one, a half hour, 45	12:31:14
22	minutes.	12:31:17
23	THE WITNESS: A half an hour is fine.	12:31:17
24	MR. KIKLIS: Okay. That sounds great.	12:31:20
25	THE VIDEOGRAPHER: Okay. We are off the	12:31:22

1 record. The time is 12:31 p.m. 12:31:24

2 (Lunch recess.) 12:31:28

3 THE VIDEOGRAPHER: We are back on the record. 13:07:43

4 The time is 1:08 p.m. 13:08:00

5 Q. (BY MR. KIKLIS) Welcome back, Mr. Buckley. 13:08:06

6 During the break, did you discuss the case or your 13:08:09

7 testimony with anybody? 13:08:12

8 A. No. 13:08:13

9 Q. So which version of your product does the 13:08:18

10 patent reflect? 13:08:21

11 A. We refer to it as Version 1.2. 13:08:24

12 Q. Is that what it is? 13:08:28

13 A. Yeah. 13:08:30

14 Q. So I want to ask about your -- you talked 13:08:39

15 about your input mechanism a bunch. Let me just -- let 13:08:42

16 me just hand you this. 13:08:48

17 (Exhibit 2 marked.) 13:08:48

18 Q. (BY MR. KIKLIS) This will be Exhibit No. 2. 13:08:59

19 Flip through it. Do you recognize it? 13:09:28

20 A. It looks like a patent application. 13:09:36

21 Q. That's your patent application; isn't it? 13:09:39

22 A. It looks that way, yes. 13:09:42

23 Q. Flip to Figure 7A through D, I think it is. 13:09:44

24 A. Do you have a page number? 13:09:50

25 Q. No, you would have to flip to the back. They 13:09:52

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1 are at the very back. 13:09:55

2 A. They are back. Okay. 13:09:57

3 Q. Yeah. 13:09:58

4 A. 7A. Okay. 13:09:59

5 Q. You can see that those are all screenshots of 13:10:04

6 an existing device; right? 13:10:09

7 A. Right. 13:10:11

8 Q. So I'm asking what version of that device is 13:10:13

9 in those figures? 13:10:21

10 A. That would be the Version 1.2 product, which 13:10:24

11 was also included in the Regan Arts book. That is -- 13:10:30

12 Q. Okay. So -- 13:10:40

13 A. -- that was the same product. 13:10:42

14 Q. So Figure 4, specifically, 5? 13:10:43

15 A. Figure 4 and 5. 13:10:45

16 Q. Figure 4 and 5, 7A, 7B, 7C, and 7D -- oh, 13:10:47

17 sorry -- 7E. 13:10:58

18 A. 4, 5. 13:10:59

19 Q. 4, 5, 7A through F? 13:11:02

20 A. Okay. 13:11:08

21 Q. Those are all pictures of your Version 1.2 13:11:10

22 product; is that right? 13:11:12

23 A. Figure 4 and Figure 5 don't appear to be 13:11:13

24 pictures of our product. 13:11:17

25 Q. Okay. And then what's Figure 4? 13:11:19

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1 from Version 1.2 of your VR viewer; is that right? 13:13:30

2 A. The ones that you cited, yes, from what I -- I 13:13:36

3 believe those are the only ones in here, yeah. 13:13:41

4 Q. Now, the way it works is that somebody touches 13:13:43

5 one end of the input mechanism. And electrical charge 13:13:48

6 is -- travels to the touch screen, and then causes a 13:13:53

7 disturbance or a capacitant of a varied variance, which 13:13:58

8 then registers a touch event. Isn't that basically how 13:14:06

9 it works? 13:14:08

10 MR. ALEXANDER: Object to form. 13:14:09

11 THE WITNESS: When you say "it," could you be 13:14:11

12 a little more specific? Are you talking about what's in 13:14:13

13 the -- 13:14:15

14 Q. (BY MR. KIKLIS) The input mechanism, right. 13:14:17

15 Somebody touches one end of the input mechanism. 13:14:18

16 A. Uh-huh. 13:14:18

17 Q. Okay. The human bodies have electricity, 13:14:22

18 electrical field, and there is an electrical charge that 13:14:24

19 travels across some conductor of some sort, and then 13:14:29

20 touches eventually the touch screen, and that's how you 13:14:35

21 register a touch event. Isn't that basically how it 13:14:40

22 works? 13:14:41

23 A. That's not an accurate description of what's 13:14:41

24 involved. 13:14:46

25 Q. Okay. How would you describe it? 13:14:47

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1 A. Well, the -- our invention, in particular, are 13:14:48
 2 you talking about? 13:14:51
 3 Q. I'm talking about this, right here 13:14:52
 4 (indicating). 13:14:55
 5 A. Yeah. 13:14:55
 6 Q. And I'm referring to the input mechanism in 13:14:56
 7 your patent. 13:14:58
 8 A. In our patent or in our product? 13:15:02
 9 Q. In your patent, which it seems is the same as 13:15:06
 10 Version 1.2? 13:15:09
 11 MR. ALEXANDER: Are you asking him 13:15:10
 12 specifically about the figures that you are showing? 13:15:11
 13 Q. (BY MR. KIKLIS) I'm asking about the patent. 13:15:15
 14 The patent reflects Version 1.2 of your product; doesn't 13:15:15
 15 it? 13:15:22
 16 A. Well, there is a number of embodiments in the 13:15:22
 17 patent, that -- 13:15:22
 18 Q. Understood. 13:15:22
 19 A. -- one of which is Version 1.2. 13:15:25
 20 Q. I'm sorry. I'm talking about the embodiment 13:15:25
 21 of 7A through F. Okay? 13:15:29
 22 A. Okay. 13:15:29
 23 Q. How would you describe how that works? 13:15:34
 24 A. I would describe how that works as there is a 13:15:36
 25 user input, which a user presses. It moves a mechanism 13:15:40

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1 in the interior. And that mechanism is a touch screen 13:15:53
2 input in and away from the touch screen. The electric 13:16:01
3 shield material is moved in and away from the screen. 13:16:07
4 But in this embodiment, there is no electrical path for 13:16:13
5 the user's finger to the touch screen input. 13:16:19
6 Q. So there is no electrical connection, so to 13:16:27
7 speak, between the user's finger and the electric 13:16:31
8 shield? 13:16:37
9 A. In this embodiment, there is not. 13:16:37
10 Q. So how is it that a touch event is registered? 13:16:41
11 A. So the way I can understand it -- and I can 13:16:44
12 demonstrate it, because I have these things here. 13:16:48
13 Q. I'm asking you. 13:16:51
14 A. The electric shield in this embodiment is made 13:16:52
15 of a polymerized metallic polymer film. And it's sized 13:16:59
16 sufficiently that when it gets close to the screen, the 13:17:05
17 projected capacitive mechanism of the screen, you 13:17:09
18 could -- by analogy, it functions more as like a mirror 13:17:12
19 with a source of light deflecting that light back to 13:17:18
20 something. And the projected capacitance screens kind of 13:17:23
21 see this electric shield material, almost as if there 13:17:30
22 was a mirror. And that reflection of the electric field 13:17:35
23 is what is being detected by the screen. That's not an 13:17:39
24 electric charge flowing from the user to the touch 13:17:44
25 screen. 13:17:47

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1 Q. So in that embodiment, 7A through 7F, there is 13:17:47
2 no conductive material that goes from the user's finger 13:17:53
3 to the electric shield; is that right? 13:17:55

4 A. That's correct. 13:17:58

5 Q. Now, how did you decide to size the electric 13:17:58
6 shield? 13:18:06

7 A. Well, did a lot of different testing on a 13:18:06
8 variety of devices and different materials. And 13:18:18
9 recognized that at some point the size of this 13:18:20
10 particular material that we used, once you got to that 13:18:22
11 point, it was sufficient in and of itself, when you had 13:18:25
12 the mechanical motion to create the touch event. 13:18:28

13 Q. How long did it take you to determine the 13:18:32
14 appropriate size? 13:18:38

15 MR. ALEXANDER: Objection; scope. 13:18:39

16 THE WITNESS: Well, the timeline of the 13:18:41
17 product development was mid-July was kind of when we 13:18:44
18 started, I guess. And we had a product for sale by 13:18:47
19 mid-September. So it couldn't have been longer than 13:18:52
20 that period of time. 13:18:56

21 Q. (BY MR. KIKLIS) So it -- I'm sorry. You said 13:18:57
22 what dates to what dates again; mid-July to 13:19:01
23 mid-September? 13:19:06

24 A. Yeah, the emails -- right. The emails 13:19:06
25 that -- 13:19:08

1	Q. Right.	13:19:08
2	A. The emails that we were going over this	13:19:08
3	morning --	13:19:11
4	Q. So we're talking --	13:19:11
5	A. Basically --	13:19:11
6	Q. -- two months?	13:19:17
7	A. Yeah, roughly about that amount of time.	13:19:21
8	Q. Now, does the size of the electric shield	13:19:21
9	depend upon the material that's being used?	13:19:26
10	A. I'm sure that could vary. Yeah, it	13:19:28
11	could -- different materials might require different	13:19:32
12	sizes to have those properties.	13:19:35
13	Q. And what material did you use again for the	13:19:37
14	electric shield?	13:19:40
15	A. We used -- this was kind of an antistatic bag	13:19:41
16	material, which was like those samples I showed you, the	13:19:47
17	same kind of material as that.	13:19:50
18	Q. What would you call that?	13:19:52
19	A. Well, I think I referred to it as a metallized	13:19:53
20	polymer -- polymer film or --	13:20:02
21	Q. Would you consider that a conductor polymer,	13:20:08
22	the material that you used for your electric shield?	13:20:13
23	A. Conductive polymer is kind of a broad	13:20:18
24	category. There are certain components of that material	13:20:25
25	that have conductive properties. But the actual polymer	13:20:27

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1 in that material, I'm not sure if -- I would say the 13:20:34
2 polymer portion of that film is conductive. It has a 13:20:39
3 metallized kind of coating on it, if you will. 13:20:44
4 Q. Yeah, I mean, do you know the exact material 13:20:48
5 that was -- that the electric shield was made of? 13:20:51
6 A. I don't know the exact materials. I believe 13:20:54
7 the plastic polymer in the -- these kinds of film, 13:20:58
8 plastics are usually polyethylene, but I'm not 100 13:21:05
9 percent sure. 13:21:11
10 Q. Okay. So a conductive polyethylene was used? 13:21:12
11 A. Not the -- no, the polyethylene is not 13:21:17
12 conductive. But the metallized film on either side of 13:21:20
13 it -- 13:21:24
14 Q. The metallized film was? 13:21:24
15 A. Correct. 13:21:28
16 Q. And then you did your experimentation on 13:21:28
17 getting that sized properly to trigger a touch event; 13:21:29
18 right? 13:21:29
19 A. Right. 13:21:29
20 Q. And do you consider that a conductive polymer 13:21:30
21 or you do not? 13:21:34
22 A. Well, like I said, depending on how you look 13:21:35
23 at it, the polymer part of it is not conductive, right. 13:21:38
24 Q. Uh-huh. 13:21:44
25 A. There are other ways to make it conductive 13:21:44

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1 polymer like doping it, or putting in kind of carbon 13:21:49
2 material, for example. 13:21:55
3 Q. So then it's not conductive polymer? 13:21:55
4 A. Again, it depends on what your definition of 13:21:58
5 conductive polymer is. Because once it's assembled in 13:22:02
6 this, it has conductive properties -- 13:22:07
7 Q. But not in the polymer, surrounded in polymer? 13:22:07
8 A. But I don't believe it is in the polymer -- 13:22:07
9 Q. It's not. 13:22:07
10 A. -- for these types of films, yeah. 13:22:11
11 Q. So what you are describing is more like a 13:22:13
12 metallized fabric; is that right? 13:22:19
13 A. It would have similar properties to a 13:22:22
14 metallized fabric. And sometimes these two types of 13:22:22
15 materials are used kind of interchangeably in the same 13:22:24
16 kinds of applications, which elec- -- you know, 13:22:24
17 shielding, things like that. 13:22:30
18 Q. Now, if you had a polymer that was, itself, 13:22:32
19 conductive and didn't need any wrapping around it. 13:22:36
20 Would you -- would it work being sized the way the 13:22:40
21 electrical shield is right now, or I should say, in 7, 13:22:47
22 in Figures 7A through F? 13:22:52
23 MR. ALEXANDER: Object to form. 13:22:54
24 THE WITNESS: If you -- sorry. Say it again 13:22:58
25 just to make sure I understand the question. 13:23:05

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1 Q. (BY MR. KIKLIS) If you used a conductive 13:23:07
2 polymer for the electric shield, where the polymer, 13:23:11
3 itself, was conductive? 13:23:15
4 A. Uh-huh. 13:23:15
5 Q. Would the electric shield need to be sized 13:23:18
6 differently than what's in Figures 7A through 7F? 13:23:22
7 MR. ALEXANDER: Objection; scope. 13:23:27
8 THE WITNESS: It possibly could be -- yeah, it 13:23:38
9 could affect the size of the shield material -- yeah, 13:23:43
10 what I'm calling the electric shield material if it was 13:23:47
11 made out of a conductive polymer, versus this metallized 13:23:51
12 film. That could affect the size that would give it the 13:24:04
13 properties to create the touch of it, yes. 13:24:04
14 Q. (BY MR. KIKLIS) Now, what about a metallized 13:24:06
15 polymer? 13:24:08
16 A. Uh-huh. 13:24:09
17 Q. Your electric shield is made of, I think you 13:24:10
18 are calling it, a metallized fabric, in Figures 7A -- 13:24:13
19 A. Well, I first, before you mentioned the 13:24:16
20 metallized fabric. I refer to it as a metallized 13:24:19
21 polymer film. 13:24:24
22 Q. A metallized polymer film. Okay. All right. 13:24:25
23 Okay. Fair enough. So a metallized fabric would then 13:24:26
24 be different than what you are looking at for Figure 7A 13:24:31
25 through 7F; is that right, for the electric shield? 13:24:34

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1 A. It's a different material. But as I 13:24:36
2 mentioned, they are often used for the same types of 13:24:38
3 purposes -- 13:24:41
4 Q. Okay. 13:24:41
5 A. -- because it's similar properties. 13:24:41
6 Q. Okay. So could a metallized fabric need to be 13:24:42
7 sized differently if it's used for your electric shield? 13:24:47
8 A. Yes, possibly. 13:24:50
9 Q. What about conductive fabric, would that -- if 13:24:50
10 your electric shield were made of conductive fabric, 13:25:00
11 would it have to be sized differently than the electric 13:25:00
12 shield disclosed in your patent? 13:25:13
13 MR. ALEXANDER: Objection; scope. 13:25:16
14 THE WITNESS: It's possible it would need to 13:25:17
15 be sized differently. But when you say "conductive" -- 13:25:20
16 I'm sorry. The term you used conductive -- 13:25:24
17 Q. (BY MR. KIKLIS) Fabric. 13:25:28
18 A. -- fabric. I mean, I would put metallized 13:25:29
19 fabric like what is in the Google V2 product kind of 13:25:32
20 under that category of conductive fabric. It's a form 13:25:38
21 of conductive fabric. There are other forms of 13:25:41
22 conductive fabric, also, but... 13:25:43
23 Q. But it might need to be resized if it were 13:25:45
24 used for your electric shield; right? 13:25:52
25 A. Yeah. Again, it's kind of lex- -- I guess a 13:25:52

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1 MR. ALEXANDER: Objection; scope. 13:27:25

2 THE WITNESS: It's possible that it might, but 13:27:34

3 I never tested it on a surface capacitive screen. 13:27:36

4 Q. (BY MR. KIKLIS) Now, are you the sole 13:27:42

5 inventor of Exhibit 1001? 13:27:52

6 A. Is that the one right here? 13:27:56

7 Q. That's the patent. That's the patent 13:27:58

8 application. 13:28:02

9 A. Yes. 13:28:02

10 Q. Now, there were some other inventors that were 13:28:02

11 listed, I think, for the first provisional; is that 13:28:06

12 right? 13:28:10

13 A. That's correct. 13:28:10

14 Q. Why were they dropped off? 13:28:11

15 MR. ALEXANDER: Okay. Objection. This is 13:28:13

16 outside the scope of his direct testimony. What does 13:28:15

17 this have to do with this proceeding, or this direct 13:28:18

18 testimony that's offered in the declarations? 13:28:22

19 MR. KIKLIS: I'm not going to explain it. 13:28:26

20 Q. (BY MR. KIKLIS) Can you answer my question, 13:28:26

21 please? 13:28:29

22 A. I'm sorry. Can you say the question again? 13:28:29

23 Q. Yes. So why were -- I'm trying to understand 13:28:31

24 if you are the sole inventor of a patent. 13:28:35

25 MR. ALEXANDER: Okay. I am going to instruct 13:28:35

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1 MR. ALEXANDER: -- inventorship. You know 13:29:16
 2 he's a named inventor. 13:29:20
 3 Q. (BY MR. KIKLIS) Are you the sole inventor of 13:29:20
 4 the patent? 13:29:23
 5 A. I'm being instructed not to answer by my 13:29:24
 6 attorney. 13:29:29
 7 MR. ALEXANDER: You can answer that question. 13:29:29
 8 THE WITNESS: Yes. 13:29:31
 9 Q. (BY MR. KIKLIS) Now, who owns the patents? 13:29:31
 10 So let me be clear. So the people who are listed in the 13:29:35
 11 provisional are not inventors; is that right, other than 13:29:38
 12 yourself? 13:29:44
 13 A. Correct. 13:29:44
 14 Q. Now, who owns the patents right now? And when 13:29:45
 15 I say "patents," I'm talking about the 075 patent, and 13:29:49
 16 the rest of the family? 13:29:53
 17 A. DDC Technology, LLC. 13:29:55
 18 Q. So could you explain to me, how when the 13:30:02
 19 patents were originally filed, who was the original 13:30:05
 20 owner? 13:30:08
 21 A. DODOcase Corporation, my company. 13:30:12
 22 Q. DODOcase -- 13:30:18
 23 [REDACTED] 13:30:21
 24 Q. So DODOcase had 100 percent ownership of the 13:30:24
 25 patents? 13:30:29

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13:31:50

13:33:17

13:34:53

13:36:17

13:39:31

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13:42:52

20 [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 13:44:28

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 13:44:46
3 MR. ALEXANDER: Objection, the same. 13:44:53
4 Counsel you not to review the contents of any 13:44:55
5 conversations with lawyers that you would be working 13:44:58
6 with. 13:45:01
7 Q. (BY MR. KIKLIS) Don't tell me what people 13:45:01
8 told you. Tell me what you understand. 13:45:04
9 MR. ALEXANDER: Well, the same objection to 13:45:07
10 the extent the understanding is based on the 13:45:09
11 communications from lawyers. 13:45:11
12 THE WITNESS: Yeah, I feel like to answer that 13:45:15
13 question, there is a legal interpretation of what the 13:45:18
14 liability potentially is. 13:45:25
15 Q. (BY MR. KIKLIS) Do you have any 13:45:28
16 understanding, other than what from your lawyers, on 13:45:29
17 what you stand to get by suing Google? 13:45:32
18 A. No, I don't think I do. 13:45:36
19 MR. KIKLIS: And am I understanding that you 13:45:41
20 are instructing him not to answer my question? 13:45:42
21 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 13:45:49
23 MR. ALEXANDER: He answered your question that 13:45:52
24 you asked him does he have an understanding except 13:45:55
25 through information from the lawyers. 13:45:59

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1 MR. KIKLIS: I didn't ask that question. 13:45:59

2 MR. ALEXANDER: Yes, you did ask that 13:45:59

3 question. 13:45:59

4 MR. KIKLIS: I -- could you read back my 13:46:01

5 question, please? 13:46:03

6 (The reporter read back the requested 13:46:03

7 testimony.) 13:46:03

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] 13:46:23

14 Q. So is -- so I would like to cover your 13:46:27

15 background a bit. Where did you go to college? 13:46:34

16 A. The Massachusetts Institute of Technology. 13:46:40

17 Q. What was your major? 13:46:44

18 A. Mechanical engineering, and I had a focus in 13:46:45

19 my -- during my master's degree in biomedical, 13:46:50

20 biomedical engineering. 13:46:56

21 Q. Now, did you have any technical work 13:46:59

22 experience either before college or during college? 13:47:06

23 A. I did. 13:47:14

24 Q. What did you do? 13:47:15

25 A. I worked at the Lawrence Livermore National 13:47:16

1 Laboratories. 13:47:24

2 Q. Right on MIT's campus? 13:47:24

3 A. No, Lawrence Livermore National Laboratory. 13:47:27

4 Q. Oh, I'm sorry. I'm thinking Lincoln Labs. 13:47:30

5 I'm sorry. 13:47:36

6 A. Yeah. They are in the Bay area in Livermore. 13:47:37

7 Q. Was that during college or -- 13:47:38

8 A. I began working there I believe during my 13:47:40

9 sophomore summer, as part of a program that accelerated 13:47:43

10 people for a master's degree. So you would work each 13:47:49

11 summer, and kind of line up internships, summer 13:47:54

12 internships with a program participant, in which 13:47:57

13 Lawrence Livermore National Lab was one of them. And 13:48:03

14 then in your fifth year of school, so in three years, 13:48:07

15 you basically got -- you got kind of on-the-job 13:48:10

16 experience. And in after your senior year, you went and 13:48:15

17 you worked for half the year at the lab. 13:48:19

18 Q. I just want to know, what kind of 13:48:25

19 technical -- what kind of technology did you work on? 13:48:28

20 A. I worked on a number of different projects 13:48:32

21 there. I can tell you the different ones, if you would 13:48:35

22 like. My first summer I worked in the national ignition 13:48:41

23 facility project, which was a large multi-billion dollar 13:48:48

24 effort to build a laser inertial fusion testing 13:48:57

25 facility. 13:49:01

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1 Q. Okay. The next one. 13:49:02

2 A. The next summer I worked in what was the 13:49:03

3 biodefense division. They were working on building 13:49:11

4 systems to detect bio agents or chemical agents for 13:49:15

5 potential terrorist attacks. It was right after 9/11, 13:49:23

6 so people were concerned about that. And then in my 13:49:31

7 third summer, I worked in the medical division. And my 13:49:34

8 project was focused on shape memory polymers. And I 13:49:38

9 wrote my master's thesis based on the work I did at the 13:49:45

10 lab and the research, you know, related to that. 13:49:51

11 Q. Say that again, what were the polymers used 13:49:54

12 for? 13:49:59

13 A. They were used for making medical devices. 13:50:00

14 The focus -- the focus of the group, we were trying to 13:50:07

15 make stents and devices to remove blood clots, and 13:50:11

16 devices to expand to fill aneurysms. And you wanted to 13:50:18

17 insert these devices kind of intravascularly. So you 13:50:24

18 have to collapse them down, and kind of feed them into. 13:50:30

19 If someone had a stroke, for example, the blood clot was 13:50:33

20 in the brain. 13:50:33

21 Q. I get it. 13:50:34

22 A. Yeah. 13:50:34

23 Q. Can you go to next one? 13:50:35

24 A. So those -- that covers the span of -- well, 13:50:37

25 and I also, you know, the way that a national laboratory 13:50:42

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1 works is you kind of get grants and funding for 13:50:48
2 different projects. So, you know, I might work 13:50:51
3 on -- that was my focus, but I also worked on another 13:50:53
4 detection system while I was -- after that, so after I 13:51:00
5 did my master's degree. 13:51:05
6 Q. Detection system for what? 13:51:08
7 A. For bio, for bio agents. 13:51:10
8 Q. Okay. 13:51:14
9 A. Yeah. 13:51:14
10 Q. Okay. Now, that brings us up through your 13:51:14
11 master's degree; is that right? 13:51:17
12 A. So that after my master's degree, I was hired 13:51:18
13 by Martin Moore labs. 13:51:25
14 Q. What did you do for them? 13:51:25
15 A. And it was where I continued to work in the 13:51:27
16 medical division with both the shape memory polymer 13:51:28
17 group, which my master's thesis eventually, that 13:51:32
18 research was awarded a number of patents, and there was 13:51:36
19 publications for that. And I believe after I left the 13:51:39
20 lab, that was spun out as its own kind of startup. 13:51:42
21 Q. So that was all biomedical? I'm sorry. 13:51:47
22 Right? 13:51:50
23 A. Yeah, you could classify it as biomedical. It 13:51:50
24 was very focused on polymer science, though. 13:51:54
25 Q. Yeah. Yeah. Okay. 13:51:58

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1 A. And my contribution was making an inductively 13:51:58
2 activated shape memory polymer. So using magnetic 13:52:04
3 fields to heat these shape memory polymers so that they 13:52:10
4 would activate kind of remotely without any necessary 13:52:18
5 connections of assistant coils, or laser energy, which 13:52:24
6 was the approach that the group was using before 13:52:26
7 I -- before I got involved. 13:52:28

8 And then I came up with a novel approach to 13:52:31
9 dope the shape memory polymers with ferromagnetic 13:52:31
10 particles, which could be heated in an alternating 13:52:38
11 magnetic field. And the activation could be triggered 13:52:41
12 remotely basically using an alternating magnetic field. 13:52:49

13 And there were some benefits to that, because 13:52:49
14 you could tune these particles to have a specific Curie 13:52:52
15 temperature. And the Curie temperature is basically 13:52:56
16 temperature where ferromagnetic materials lose their 13:52:59
17 magnetic properties. And so stop heating via this 13:53:02
18 magnetic hysteresis effect. So you could just tune 13:53:08
19 this -- it's pretty clever. You could basically build 13:53:14
20 whatever shape device you want. 13:53:16

21 Q. And I don't need to know the details, so... 13:53:19

22 A. Okay. 13:53:21

23 Q. That's Lawrence Livermore. And did you work 13:53:22
24 there until you got involved with your patents, or what? 13:53:27
25 Bring me quickly through from Lawrence Livermore, that 13:53:30

1 project, up until the point where you decided to get 13:53:34
2 into VR viewers? 13:53:37

3 A. So once after Lawrence Livermore Labs, I 13:53:39
4 started a company with some friends doing software 13:53:42
5 related -- you know, we were in the Bay area. And so 13:53:46
6 the entrepreneurial spirit is alive and well. And we 13:53:54
7 applied to a startup incubator called Y Combinator, and 13:53:58
8 we were accepted in that, and so... 13:54:02

9 Q. What did your software do? 13:54:03

10 A. The business was called -- we applied with 13:54:05
11 something different. It was kind of -- this is an early 13:54:08
12 stage startup incubator. So like you apply with an 13:54:11
13 idea. And then kind of it changes over time. Sometimes 13:54:16
14 you kind of pivot as startups sometimes do. But that 13:54:21
15 business was focused on initially making browser add-ons 13:54:24
16 that would track and kind of make a visual history of 13:54:29
17 your browsing. That feature kind of venture became a 13:54:32
18 default feature in browsers. And when that kind of 13:54:39
19 happened, it pivoted to cross-mobile application 13:54:42
20 platform development. But that was after I had left the 13:54:48
21 company. 13:54:49

22 Q. Okay. When did you leave that company? 13:54:50

23 A. I think in early 2009, if my memory serves me 13:54:55
24 correctly. 13:55:05

25 Q. What did you do after that? 13:55:05

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1 A. I tried a couple -- I had a couple of 13:55:07
2 different ideas I was toying with. But in that period, 13:55:08
3 basically, I didn't fully commit to starting any new 13:55:16
4 companies. The next company I started was DODOcase in 13:55:21
5 2010. And that -- 13:55:26

6 Q. So you didn't have any technical experience 13:55:27
7 from the time you left that browser company to DODOcase? 13:55:29

8 A. Right. I was kind of like incubating startup 13:55:33
9 ideas, and kind of testing and seeing what I wanted to 13:55:37
10 work on next. But I wasn't working for anyone, you 13:55:39
11 know, or -- 13:55:42

12 Q. And what were those ideas? Anything related 13:55:42
13 to what you ended up doing here for DODOcase? 13:55:45

14 A. I mean, one of the ideas was collecting 13:55:49
15 photographs wirelessly for events, like weddings and 13:55:57
16 things. 13:56:03

17 Q. Okay. Next? 13:56:03

18 A. I toyed with the idea of starting an underwear 13:56:04
19 company, actually. 13:56:08

20 Q. Next? 13:56:10

21 A. And I think and then the iPad was announced, 13:56:11
22 and I believe, you know, that's when I recognized an 13:56:13
23 opportunity to make it a book bound iPad case for the 13:56:17
24 newly launched -- or soon to be launched iPad. 13:56:22

25 Q. Okay. 13:56:26

1 Q. And is touch screen experience necessary to 13:57:55
2 understand your patent? 13:58:00
3 A. I think I would say, yes. 13:58:03
4 Q. So you are saying that somebody couldn't read 13:58:22
5 your patent and understand it, who hasn't implemented a 13:58:34
6 touch screen, or know details of a touch screen 13:58:38
7 technology? 13:58:42
8 A. Well, I think there is difference between the 13:58:43
9 skills that needed to implement a touch screen, and the 13:58:48
10 skill set to understand how a touch screen works. 13:58:52
11 Q. Let me -- let me switch gears for a second. 13:58:55
12 A. Do you mind if I use the bathroom real quick? 13:59:14
13 MR. KIKLIS: Yeah. Why don't we take a break. 13:59:18
14 THE WITNESS: Okay. Thanks. 13:59:23
15 THE VIDEOGRAPHER: We are off the record. The 13:59:23
16 time is 1:59 p.m. 13:59:25
17 (Recess.) 13:59:28
18 THE VIDEOGRAPHER: We are back on the record. 14:04:55
19 The time is 2:05 p.m. 14:04:59
20 (Exhibit 2054 referenced.) 14:05:07
21 Q. (BY MR. KIKLIS) Mr. Buckley, I'm handing you 14:05:15
22 what's been marked -- well, I'm handing you Exhibit 14:05:17
23 2054. 14:05:20
24 A. There is two of them here. Did you mean to 14:05:21
25 give me two of them? 14:05:25

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1 Q. No, I didn't. We're going to get to that in a 14:05:26
2 second, but one at a time. 14:05:29
3 Do you recognize it? 14:05:32
4 A. I do. 14:05:33
5 Q. What is it? 14:05:34
6 A. It looks like my second declaration for this 14:05:35
7 IPR, I believe, right. 14:05:40
8 Q. Now, could you go to paragraph 20? Are you 14:05:43
9 there? 14:06:14
10 A. I am. 14:06:14
11 Q. Now, in this paragraph 20, you refer to three 14:06:15
12 exhibits, 2057, 2058, and 2059; is that right? 14:06:22
13 A. 2058. Yes, that looks correct. 14:06:30
14 (Exhibit 2057 referenced.) 14:06:30
15 Q. (BY MR. KIKLIS) Okay. I'm handing you those 14:06:38
16 exhibits. First start with Exhibit 2057. Do you 14:06:40
17 recognize it? 14:06:55
18 A. I do. 14:06:57
19 Q. What is it? 14:06:57
20 A. It looks like a copy of a blog post about "1 14:06:59
21 Million Cardboard Headsets Shipped Google Says." 14:07:04
22 Q. You rely on that in your declaration; don't 14:07:09
23 you? 14:07:14
24 A. Rely on what? 14:07:14
25 Q. You rely on Exhibit 2057 in your declaration; 14:07:16

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1	don't you?	14:07:21
2	A. Yes.	14:07:22
3	(Exhibit 2058 referenced.)	14:07:22
4	Q. (BY MR. KIKLIS) Okay. Now, flip to Exhibit	14:07:23
5	2058. It's the next one. Do you recognize it?	14:07:24
6	A. I do.	14:07:44
7	Q. What is it?	14:07:45
8	A. It looks like a copy of the online article	14:07:46
9	about Google shipping five million Cardboard virtual	14:07:51
10	reality devices.	14:07:57
11	Q. And you rely upon Exhibit 2058 in your	14:07:58
12	declaration; don't you?	14:08:02
13	A. Yes.	14:08:03
14	(Exhibit 2059 referenced.)	14:08:07
15	Q. (BY MR. KIKLIS) Now, flip to Exhibit 2059.	14:08:18
16	Do you recognize it?	14:08:19
17	A. I do.	14:08:20
18	Q. What is it?	14:08:23
19	A. It looks like an article from "The Verge"	14:08:24
20	about Google shipping over 10 million VR headsets.	14:08:29
21	Q. And do you rely upon Exhibit 2059 in your	14:08:34
22	declaration?	14:08:38
23	A. I do.	14:08:39
24	Q. So in paragraph 20, you say that, "Google's	14:08:40
25	public statements suggest Version 1 Cardboard VR with	14:08:52

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1	magnet input was selling at 250,000 units per quarter in	14:09:02
2	the one-year period from Q2 2014 launch to Q2 2015."	14:09:03
3	Did you say that?	14:09:10
4	A. I did.	14:09:11
5	Q. And you cite to Exhibit 2057; is that right?	14:09:11
6	A. That's right.	14:09:16
7	Q. And then in the next sentence, you say,	14:09:17
8	Google's public statements also appear to indicate that	14:09:19
9	V2 VR Cardboard with capacitive mechanism sold	14:09:24
10	approximately two million units per quarter after its	14:09:29
11	launch in Q3 and Q4 2015, and you cite Exhibit 2058.	14:09:32
12	And then you go to a URL where you can find it,	14:09:37
13	representing nearly a ten time increase over the magnet	14:09:42
14	input version of the product.	14:09:46
15	Did you say that?	14:09:48
16	A. I did.	14:09:48
17	Q. Now, and then you say in the next sentence,	14:09:52
18	"From Q1 2016 to Q1 2017, Google's statements also show	14:09:58
19	on average approximately 1 million units per quarter of	14:10:04
20	V2 VR Cardboard with capacitive button mechanism were	14:10:09
21	sold," and you cite 2059 for support. Is that right?	14:10:14
22	A. That's right.	14:10:21
23	Q. So Exhibit 2057, 2058, and 2059 are all public	14:10:22
24	documents; right?	14:10:32
25	A. Right.	14:10:33

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1 Q. And none of those documents are statements 14:10:34
2 from Google; are they? They are statements from third 14:10:36
3 parties? 14:10:41
4 A. Okay. Can you repeat the question again? 14:11:09
5 Q. None of -- let me start over. Exhibit 2057, 14:11:12
6 2058, and 2059 are not statements from Google, they are 14:11:27
7 statements from other parties; aren't they? 14:11:34
8 A. There are statements from Google cited in 14:11:38
9 these articles. 14:11:40
10 Q. That's somebody else saying, what they think 14:11:41
11 Google said; isn't it? That's not Google saying that? 14:11:46
12 Those exhibits are not from Google; are they? 14:11:58
13 A. The articles are not from Google, that's 14:11:59
14 correct. 14:12:02
15 Q. So it's somebody saying what they think Google 14:12:03
16 said; isn't that right? 14:12:07
17 A. It's my understanding that some of these 14:12:27
18 statements that are cited to Google were made by Google 14:12:30
19 in other places, maybe on their website or public 14:12:34
20 disclosures. 14:12:37
21 Q. That wasn't -- my question, sir, is related to 14:12:38
22 Exhibits 2057, 2058, 2059. Okay? You relied upon these 14:12:44
23 exhibits. And you've claimed that Google said this. In 14:12:51
24 when, in fact, they didn't. That's some other person 14:12:55
25 saying that Google said that; right? 14:12:58

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1 A. In Exhibit 2057, they cite to a number from 14:13:38
2 the Google Play Store. And I do know those numbers are 14:13:44
3 publicly available for the installation of apps, for 14:13:50
4 example, you can see how many times they've been 14:13:55
5 downloaded. 14:13:57

6 Q. Again, you are not answering my question. 14:13:57
7 Exhibit 2057, 2058, and 2059 are not from Google; right? 14:14:01

8 A. The documents are not from Google. 14:14:07

9 Q. That's right. It's somebody else saying what 14:14:09
10 Google said; right? 14:14:13

11 A. They are citing where Google said it in some 14:14:23
12 of these examples. 14:14:27

13 Q. It's not in that document. 14:14:27

14 A. In 2057, I just pointed out one of the things 14:14:31
15 that they cited from the Play Store for the Cardboard 14:14:36
16 app download, for example. 14:14:41

17 Q. There is no quote in here from Google? 14:14:42

18 MR. ALEXANDER: Object to form. 14:14:52

19 THE WITNESS: Do you want me to point to where 14:14:54
20 I'm seeing it? 14:14:56

21 Q. (BY MR. KIKLIS) Let me move on. Now, in 14:14:58
22 2057, the second page, last -- that first paragraph, 14:15:11
23 last sentence. It says, "As Google doesn't officially 14:15:28
24 sell their own version of Cardboard, the figure almost 14:15:32
25 certainly includes those from third-parties which have 14:15:36

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1 sells their own version of Cardboard. It didn't say 14:17:21

2 Google doesn't sell their own version of Cardboard. It 14:17:25

3 says, "Google doesn't officially sell their own version 14:17:29

4 of Cardboard." 14:17:34

5 Q. Okay. It's not my exhibit. It's your 14:17:36

6 exhibit. 14:17:38

7 A. Well, I'm just adding a clarifying point, 14:17:38

8 because we know that Google -- 14:17:41

9 Q. Well, you don't, in fact, know what this 14:17:43

10 person meant? You didn't talk to them; did you? 14:17:46

11 A. I didn't talk to them, no. 14:17:49

12 Q. Okay. So let's look at Exhibit 2058. You 14:17:51

13 cite to Exhibit 2058, for selling two million units per 14:18:04

14 quarter after its launch in Q3 and Q4 2015; right? 14:18:28

15 A. Correct. 14:18:37

16 Q. Okay. Now, is Exhibit 2058 for all WWGC 14:18:38

17 members? If you don't know, it's okay to say it. 14:18:47

18 A. Yeah, I think you would have to ask Google 14:19:51

19 what they meant by shipped five million units of Google 14:19:55

20 Cardboard viewer. 14:20:03

21 Q. Well, you said "Google's public statements 14:20:03

22 also appear to indicate that V2 VR Cardboard with 14:20:06

23 capacitive mechanisms sold approximately two million 14:20:12

24 units per quarter after its launch in Q3 and Q4 2015." 14:20:16

25 You said that; right? 14:20:21

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1 Q. Are you including all WWGC members in that 14:21:34
2 revenue? 14:21:37
3 A. I'm relying on the statement cited from 14:21:38
4 that -- 14:21:41
5 Q. No, I'm asking you. You wrote that. What 14:21:41
6 does that mean? If you can't testify to it, fine. Just 14:21:44
7 say, I don't know. 14:21:48
8 MR. ALEXANDER: Object to form. 14:21:50
9 THE WITNESS: What I'm trying to convey is 14:21:52
10 that Google was collecting this data better than anyone. 14:21:54
11 And these are the statements that reputable news sites 14:22:00
12 cited them as saying. So I have no reason to doubt the 14:22:06
13 accuracy of this, because I believe Google would have 14:22:10
14 the best knowledge about it. 14:22:13
15 Q. (BY MR. KIKLIS) But you know that wasn't my 14:22:15
16 question. My question is this sentence, second sentence 14:22:18
17 of paragraph 20. Do those revenue numbers cover Google 14:22:20
18 Cardboard only, or does it include all WWGC members? 14:22:26
19 You wrote that. You should know. 14:22:30
20 A. It would include all of the sales based on the 14:22:55
21 scope of Google's statement here. And I don't know what 14:23:01
22 the scope of Google's statement is, because they weren't 14:23:05
23 clear about it. 14:23:09
24 Q. So sitting here today, you can't tell me if 14:23:11
25 the second sentence of paragraph 20, includes the 14:23:16

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1 revenue for all WWGC members or only Google's revenue? 14:23:22

2 A. Or people outside of the Works With Google 14:23:28

3 Cardboard program, too. 14:23:38

4 Q. So you don't know? 14:23:38

5 A. I can't give you an answer based on the 14:23:39

6 framing of the question. 14:23:42

7 Q. The framing of the question? 14:23:43

8 A. Right, because it relies on -- 14:23:45

9 Q. Okay. I'm going to be very, very clear. I'm 14:23:47

10 going to read the sentence again. And my question to 14:23:49

11 you is whether those figures included are for all WWGC 14:23:52

12 members, or only Google Cardboard? Do you understand 14:23:58

13 the question? And I'm going to do it again. I want you 14:24:00

14 to answer that question. If you can't tell me whether 14:24:04

15 WWGC -- whether this covers all WWGC members or not, 14:24:08

16 fine. 14:24:16

17 Now, in the second sentence of paragraph 20 of 14:24:18

18 your declaration, you wrote, "Google's public statements 14:24:20

19 also appear to indicate that V2 VR Cardboard with 14:24:27

20 capacitive mechanism sold approximately two million 14:24:27

21 units per quarter after its launch in Q3 and Q4 2005." 14:24:30

22 Did you say that? 14:24:35

23 A. 2015. 14:24:35

24 Q. I'm sorry. 2015, did you say that? 14:24:37

25 A. Yes. 14:24:40

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1	Q. Let me start over. "Google's public	14:24:40
2	statements also appear to indicate that V2 VR Cardboard	14:24:42
3	with capacitive mechanism sold approximately two million	14:24:48
4	units per quarter after its launch in Q3 and Q4 2015."	14:24:49
5	Did you say that?	14:24:54
6	A. Yes.	14:24:55
7	Q. And when you said that, do those numbers	14:24:55
8	include all WWGC members or only Google?	14:24:58
9	A. I don't know.	14:25:12
10	Q. Let's go over to Exhibit 2059. Now, in	14:25:15
11	paragraph 20, you say, "From Q1, 2016 to Q1 2017,	14:25:29
12	Google's statements also show that on average	14:25:40
13	approximately one million units per quarter of V2 VR	14:25:43
14	Cardboard with capacity button mechanism were	14:25:47
15	sold" -- I'm going to skip over the URL -- "totaling one	14:25:53
16	million V1 VR Cardboard with magnetic input products	14:25:57
17	sold in first year of product launch, and nine million	14:26:03
18	V2 VR Cardboard with capacitive button units sold in	14:26:05
19	first 1.5 years of product launch."	14:26:09
20	Did you say that?	14:26:10
21	A. Yes.	14:26:16
22	Q. Now, when you made that statement, when you	14:26:16
23	wrote that statement, did that include all WWGC members	14:26:19
24	or only Google?	14:26:25
25	A. I don't know how Google categorized the	14:26:53

1 different units sold in their -- in these public 14:26:56

2 statements that they made. So I can't answer that 14:27:00

3 question. 14:27:02

4 Q. So do you know what your obligations are as a 14:27:13

5 witness? 14:27:17

6 A. I believe I do. 14:27:18

7 Q. All right. You've got to testify truthfully; 14:27:19

8 right? 14:27:19

9 A. Yes. 14:27:23

10 Q. And you also can't submit knowingly inaccurate 14:27:23

11 information; isn't that true? 14:27:29

12 A. That's my understanding. 14:27:32

13 Q. And your counsel can't knowingly put forward 14:27:33

14 inaccurate information; isn't that true? 14:27:39

15 A. I believe so. 14:27:41

16 Q. Because to do so would be misleading the 14:27:42

17 tribunal, the patent office; is that right? 14:27:45

18 A. I suppose so. 14:27:49

19 Q. So you and your counsel have a duty of candor 14:27:50

20 and honesty to the patent office; right? 14:27:53

21 A. That's my understanding. 14:27:56

22 Q. Were you aware that Google produced the actual 14:27:57

23 sales figures shipped of its VR viewers, and those of 14:28:01

24 the other WWGC members during the district court 14:28:05

25 litigation? 14:28:09

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1 A. I can't -- I can't recall whether they did or 14:28:19
2 didn't. But if you say they did, I don't have any 14:28:22
3 reason to doubt that they did. It's possible. 14:28:25
4 Q. And did you know that your estimates based on 14:28:28
5 Exhibit 2057, 2058, and 2059 are wildly inaccurate as 14:28:31
6 compared to the actual data? 14:28:38
7 A. Am I aware that they are inaccurate? 14:28:44
8 Q. Yes. 14:28:47
9 A. I would disagree with the characterization 14:28:58
10 that they are inaccurate. 14:29:02
11 Q. Have you seen the actual data from Google? 14:29:03
12 A. I may have seen it at some point, but I don't 14:29:12
13 recall when I saw it, or if that was before or after 14:29:15
14 this declaration. And I -- to be honest, I don't really 14:29:18
15 recall the specifics of the numbers. 14:29:23
16 MR. KIKLIS: Google has no further questions 14:30:22
17 at this time. 14:30:24
18 MR. ALEXANDER: All right. Can we take a 14:30:29
19 break and talk about things? And I may have some 14:30:31
20 redirect. 14:30:34
21 THE VIDEOGRAPHER: Okay. We are off the 14:30:35
22 record. The time is 2:30 p.m. 14:30:37
23 (Recess.) 14:30:43
24 THE VIDEOGRAPHER: We are back on the record. 15:20:25
25 The time is 3:20 p.m. 15:20:33

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1 MR. KIKLIS: Let me just say something on the 15:20:42
2 record first. 15:20:45
3 Counsel made us wait 50 minutes to plaintiff's 15:20:46
4 redirect. So I just want that on the record. 15:20:50
5 Go ahead. 15:20:50
6 MR. ALEXANDER: Also, note that Counsel was 15:20:52
7 with his expert for quite some time before redirect, 15:20:54
8 so... 15:21:01
9 MR. KIKLIS: I didn't redirect. But go ahead. 15:21:02
10 EXAMINATION 15:21:06
11 QUESTIONS BY MR. ALEXANDER: 15:21:06
12 Q. Mr. Buckley, could you turn to paragraph 20 of 15:21:08
13 your second declaration, which is Exhibit 2054? 15:21:12
14 A. Yeah. 15:21:21
15 Q. Do you recall when Google's counsel asked you 15:21:23
16 about your statements in paragraph 20? 15:21:27
17 A. I do. 15:21:30
18 Q. Do your statements in this paragraph indicate 15:21:31
19 who shipped the volumes of V2 VR Cardboard referenced 15:21:35
20 here? 15:21:41
21 A. No, they don't. 15:21:41
22 Q. Could you turn to Exhibit 2059, please? 15:21:42
23 A. Exhibit 2059. 15:21:51
24 Q. That is "The Verge" article titled "Google has 15:21:54
25 shipped over 10 million Cardboard VR headsets." 15:22:00

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1 A. Yeah. 15:22:04

2 Q. All right. Let's look at page 2 of Exhibit 15:22:05

3 2059. And it says in the first sentence, "Google says 15:22:09

4 it's shipped 10 million of its Cardboard virtual reality 15:22:13

5 viewers since they first appeared in 2014." Then it 15:22:20

6 goes on to say, "The company celebrated the number in a 15:22:22

7 blog post today." 15:22:24

8 Do you see that? 15:22:25

9 A. I do. 15:22:25

10 MR. ALEXANDER: I'm going to hand you a new 15:22:26

11 document. Is this Exhibit 3? 15:22:28

12 THE REPORTER: Yes. 15:22:28

13 THE WITNESS: Thank you. 15:22:30

14 (Exhibit 3 marked.) 15:22:30

15 Q. (BY MR. ALEXANDER) All right. You've got 15:22:51

16 Exhibit 3, Mr. Buckley? 15:22:53

17 MR. KIKLIS: I'm going to object to scope. 15:22:56

18 You are not -- you can't introduce evidence in redirect. 15:22:58

19 Q. (BY MR. ALEXANDER) All right. Mr. Buckley, 15:23:03

20 do you see the URL down at the bottom of that -- 15:23:05

21 A. I do. 15:23:08

22 Q. -- Exhibit 3, please? 15:23:09

23 A. "blog.google/products/google-ar-vr/more-ways- 15:23:09

24 watch-and-play-ar-and-vr." 15:23:24

25 Q. Okay. Do you understand this to be a Google 15:23:24

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1	blog post?	15:23:28
2	A. I do.	15:23:29
3	Q. Does this blog post make any reference to the	15:23:30
4	number of Cardboard virtual realty viewers shipped?	15:23:36
5	A. It does, on page 2, second sentence. It says,	15:23:40
6	"Today, more than 10 million Cardboard viewers have	15:23:47
7	shipped worldwide."	15:23:51
8	MR. KIKLIS: I'm going to object to the whole	15:23:54
9	line of questioning as to scope.	15:23:57
10	Q. (BY MR. ALEXANDER) Is that consistent with	15:24:00
11	your discussion of Exhibit 2059, in paragraph 20, of	15:24:04
12	your second declaration?	15:24:07
13	A. You mean, Exhibit 2054?	15:24:15
14	Q. So paragraph 20 of Exhibit 2054.	15:24:18
15	A. Yes, that's consistent. Yeah.	15:24:22
16	Q. And it's consistent with the discussion of	15:24:23
17	Exhibit 2059, that's in paragraph 20 of Exhibit 2054?	15:24:26
18	A. Yes, it is. This was a blog post that's cited	15:24:31
19	in the article, "The Verge" article.	15:24:36
20	Q. Okay. Could you find Exhibit 2043 in your	15:24:41
21	stack, please? This is the first page.	15:24:45
22	A. Okay. Got it.	15:24:52
23	Q. Okay. Got it?	15:24:52
24	A. Yeah.	15:24:53
25	Q. All right. Turn to page 2, please. And you	15:24:54

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1 discussed this with Google's counsel a bit ago. But can 15:25:01
 2 you state your understanding of what this document is? 15:25:05
 3 A. This is the "Works With Google Cardboard, 15:25:07
 4 Guidelines and Best Practices." 15:25:13
 5 Q. Turn to page 3, please. Do you recall when 15:25:24
 6 Google's counsel asked you about the second bullet point 15:25:36
 7 under "Input"? 15:25:39
 8 A. Yes. 15:25:42
 9 Q. Does this bullet point describe different 15:25:43
 10 types of inputs? 15:25:49
 11 A. It does. 15:25:51
 12 Q. Did Google provide manufacturing templates for 15:25:54
 13 the V2 viewer for each of these different types of 15:26:01
 14 inputs? 15:26:05
 15 A. No, it only provided manufacturing templates 15:26:07
 16 for a conductive/capacitive input. 15:26:15
 17 Q. Could you turn to page 2 of this document? In 15:26:20
 18 the third paragraph, under "Introduction," do you see a 15:26:30
 19 reference to a manufacturing template? 15:26:36
 20 A. Yes. "These specifications can be found in 15:26:39
 21 the manufacturing template collection (WWGC underscore 15:26:43
 22 manufactures underscore kit underscore v2.0.zip)." 15:26:48
 23 Q. Is that the manufacturing template that 15:26:56
 24 included instructions for conductive input mechanism? 15:26:58
 25 MR. KIKLIS: Objection; leading. 15:27:06

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1 THE WITNESS: That is the link to the 15:27:08
 2 manufacturers template, yes. 15:27:10
 3 Q. (BY MR. ALEXANDER) What type of input 15:27:14
 4 mechanism was described in that manufacturing template? 15:27:16
 5 A. Conductive, capacitive touch button that moved 15:27:20
 6 in and away from the screen. 15:27:26
 7 Q. What was the market response after Google 15:27:30
 8 introduced the manufacturing template for the V2 VR 15:27:34
 9 viewer that included the conductive input mechanism? 15:27:38
 10 A. From my recollection, it quickly became 15:27:44
 11 adopted by pretty much everyone in the market, because 15:27:47
 12 it was such an improvement over the magnetic button. 15:27:55
 13 And the magnetic button kind of quickly faded away, and 15:28:00
 14 was replaced by this design that was outlined in this 15:28:05
 15 manufacturing template. 15:28:09
 16 Q. What's the basis for your knowledge about that 15:28:11
 17 market response? 15:28:14
 18 A. Because we were one of the main manufacturers 15:28:15
 19 of these low cost VR headsets, we kept close track of 15:28:23
 20 other competitors' products. And noticed that there was 15:28:29
 21 this shift. I also recall at the time, that the 15:28:37
 22 products listed on the WWGC page, you know, products 15:28:42
 23 with this capacitive touch button, you know, quickly 15:28:50
 24 became the most prominent ones. So that would be the 15:28:54
 25 basis of my assessment of that. 15:29:04

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1	Q. Could you turn to Exhibit 2034, please?	15:29:07
2	A. Exhibit 2034, which one was that?	15:29:30
3	Q. That is the email string between you and	15:29:33
4	various Google personnel that --	15:29:36
5	A. Oh, yeah. Okay. Got it.	15:29:40
6	Q. Would you turn to page -- well, let's start on	15:29:43
7	page 1. There is an email from you, at 7:32 a.m., on	15:30:06
8	July 25th, 2014. Do you see that?	15:30:12
9	A. I do.	15:30:15
10	Q. All right. And let's move on to page 2, where	15:30:16
11	that email continues. And in the third paragraph on	15:30:19
12	page 2, there is a sentence that says, "Check out the	15:30:29
13	attached video clips."	15:30:32
14	Do you see that?	15:30:35
15	A. I do.	15:30:35
16	Q. Do you know what those video clips were?	15:30:36
17	A. Yes. Those video clips were the functioning	15:30:43
18	prototype of capacitive, conducted button mechanism that	15:30:48
19	I built.	15:30:59
20	Q. Okay. Can you turn to paragraph 11 -- I'm	15:31:01
21	sorry. Can you pick up your second declaration? And	15:31:05
22	I'll direct you to a particular paragraph, paragraph 11.	15:31:08
23	All right. Paragraph 11 references Exhibit 2060 and	15:31:27
24	2061. Do you see that?	15:31:37
25	A. I do.	15:31:38

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1 Q. And it says those are video clips that you 15:31:39
 2 sent to the Google employees on July 25th, 2015. And 15:31:43
 3 the email chain included as Exhibit 2034 in the 15:31:46
 4 00700 -- I'm sorry -- 00707 IPR proceeding. 15:31:51

5 Do you see that? 15:32:02

6 A. I do. 15:32:02

7 Q. Okay. So are Exhibits 2060 and 2061, the 15:32:03
 8 video clips that we looked at, or that were referenced 15:32:09
 9 in Exhibit 2034 -- sorry -- that we looked at just a 15:32:10
 10 moment ago. 15:32:14

11 A. Yes, they were. 15:32:14

12 (Exhibits 2060 and 2061 referenced.) 15:32:14

13 Q. (BY MR. KIKLIS) Okay. I want to play Exhibit 15:32:15
 14 2060 for you. 15:32:17

15 And I'll play for you as well, Counsel, if you 15:32:18
 16 would like? 15:32:22

17 MR. KIKLIS: This is beyond the scope. We 15:32:26
 18 never discussed this in cross. So you -- 15:32:29

19 MR. ALEXANDER: You did discuss these video 15:32:31
 20 clips. 15:32:34

21 MR. KIKLIS: We did not. 15:32:34

22 MR. ALEXANDER: But you can make your -- 15:32:35

23 MR. KIKLIS: We did not. 15:32:35

24 MR. ALEXANDER: Okay. You discussed the video 15:32:37
 25 clips. 15:32:39

1 MR. KIKLIS: We did not. He did. He might 15:32:40
2 have mentioned it, but I didn't discuss them. 15:32:43
3 MR. ALEXANDER: Okay. 15:32:43
4 MR. KIKLIS: We didn't open the door or 15:32:50
5 anything. 15:32:52
6 MR. ALEXANDER: All right. Well, your 15:32:52
7 objection is noted. 15:32:54
8 (Playing video clip.) 15:32:55
9 Q. (BY MR. ALEXANDER) Did you create that video 15:33:14
10 in Exhibit 2060? 15:33:19
11 A. Yes, I did. 15:33:22
12 Q. How did the prototype shown in Exhibit 2060 15:33:25
13 and Exhibit 2061 trigger a touch event? 15:33:32
14 A. So there was a sheet of plastic that buckled 15:33:37
15 when you pressed it. An electric shield material on the 15:33:41
16 front of that buckling plastic, the electric shield 15:33:47
17 being a pull -- a metallized polymer film, similar to 15:33:53
18 what you'd find on an antistatic bag. And the user's 15:34:01
19 finger would push that strip. It would buckle in, and 15:34:08
20 the electric shield would come into contact with the 15:34:14
21 touch screen. The other end of the electric shield was 15:34:19
22 in contact with the user's finger. And it was creating 15:34:24
23 a touch event by the combination of those two -- by the 15:34:29
24 combination of the motion and the properties of the 15:34:34
25 electric shield created the touch event. 15:34:36

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1 And I have a re-creation of that, what was 15:34:53
 2 shown in that video, which I can demonstrate the 15:34:59
 3 function of here. If it's helpful for illustrating 15:35:01
 4 purposes? 15:35:06

5 Q. Okay. 15:35:07

6 MR. KIKLIS: It's beyond the scope. You can't 15:35:09
 7 bring new evidence into the deposition and start 15:35:11
 8 introducing it in redirect. That's ridiculous. 15:35:14

9 THE WITNESS: So this (indicating) is a device 15:35:22
 10 with a touch screen app on it, which just shows where 15:35:24
 11 when you touch it, it lights up, showing that you are, 15:35:33
 12 you know, testing the screen. 15:35:37

13 You take the strip. The metallized film is on 15:35:45
 14 the outside, right here (indicating). The buckling 15:35:52
 15 strip is on the back (indicating). You come in, and you 15:35:54
 16 just touch the screen, and it activates. So you can see 15:35:57
 17 (indicating). And that video basically was this strip 15:36:02
 18 (indicating) inside of a box. But this (indicating) 15:36:06
 19 shows all the functioning elements of how that button 15:36:08
 20 worked. 15:36:13

21 MR. ALEXANDER: All right. Thank you. I have 15:36:14
 22 no further questions. 15:36:16

23 FURTHER EXAMINATION 15:36:23

24 QUESTIONS BY MR. KIKLIS: 15:36:23

25 Q. Well, if you were wearing a glove, and you 15:36:23

1	used that strip, is it going to cause a touch event?	15:36:29
2	A. A --	15:36:31
3	Q. No. Let's do it this way.	15:36:31
4	A. Sure.	15:36:31
5	Q. Drop the strip on the phone, and see if it	15:36:35
6	causes a touch event?	15:36:39
7	A. (Witness complying.)	15:36:41
8	Q. Nothing?	15:36:41
9	A. Correct.	15:36:41
10	Q. So your hand had to touch it?	15:36:41
11	A. For this example, it did.	15:36:43
12	Q. Okay.	15:36:43
13	A. I can do it again without touching --	15:36:47
14	Q. I'm not asking you to do it again.	15:36:48
15	A. Okay.	15:36:48
16	Q. Let's go to Exhibit 2059.	15:36:51
17	A. Which one is that?	15:36:58
18	Q. It's the one labeled 2059.	15:37:00
19	A. I've just got a lot of papers here.	15:37:03
20	Q. Well, look for the one that says "2059."	15:37:05
21	So --	15:37:11
22	A. Is it "The Verge" article is that --	15:37:27
23	Q. Sir, please, it's labeled on the bottom	15:37:32
24	right-hand corner, 2059.	15:37:35
25	A. Half of it is cut off on my copy.	15:37:38

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1	Q. So first of all, your counsel came in with	15:37:41
2	this new exhibit, Exhibit No. 3; is that right?	15:37:45
3	A. Yes.	15:37:48
4	Q. Did you know of this, the existence of this	15:37:48
5	document before you met with your counsel?	15:37:52
6	A. I had seen this blog post before.	15:37:54
7	Q. But when you met with your counsel, you went	15:37:57
8	searching for it; is that right?	15:38:00
9	A. I went searching for it -- sorry. Can you	15:38:02
10	rephrase the question or say it again?	15:38:08
11	Q. During the break with your counsel, you went	15:38:12
12	searching for this Exhibit 3; didn't you?	15:38:15
13	A. Yes.	15:38:18
14	Q. Was it your idea to do that?	15:38:18
15	MR. ALEXANDER: Objection. It's -- you are	15:38:22
16	asking --	15:38:24
17	MR. KIKLIS: No. No.	15:38:25
18	MR. ALEXANDER: -- disclosure of the	15:38:27
19	attorney-client --	15:38:27
20	MR. KIKLIS: No.	15:38:27
21	MR. ALEXANDER: -- communications.	15:38:30
22	MR. KIKLIS: Was it his idea, doesn't disclose	15:38:34
23	anything.	15:38:36
24	Q. (BY MR. KIKLIS) Was it your idea to do that?	15:38:37
25	A. Well, I noticed that it is cited in this	15:38:38

1 article, so... 15:38:41

2 Q. Cited in what article, 2059? 15:38:42

3 A. In 2059. 15:38:45

4 Q. Okay. So my question still stands. Was it 15:38:47

5 your idea to find this article? 15:38:50

6 A. I suppose it was, because your line of 15:38:52

7 questioning before we took our break. 15:39:01

8 Q. And so over that break of over 45 minutes, how 15:39:04

9 much time did you spend trying to find this article, 15:39:11

10 Exhibit 3? 15:39:15

11 A. It didn't take long to find. 15:39:15

12 Q. Did you know of its existence beforehand? 15:39:18

13 A. I recall having seen it previous to this 15:39:21

14 deposition. 15:39:26

15 Q. So of the 45 minutes, you spent with your 15:39:26

16 counsel. How much time of that did you spend trying to 15:39:30

17 find this article? 15:39:33

18 A. I'm not sure I need to answer questions about 15:39:34

19 what I do with my attorney. 15:39:37

20 Q. I asked -- no, he didn't object to it. You 15:39:39

21 don't get to raise objections. So answer the question? 15:39:44

22 A. Sorry. What's the question again? 15:39:47

23 Q. So of the 45 minutes you spent with your 15:39:49

24 counsel, how much time of that did you spend trying to 15:39:53

25 find this article? 15:39:58

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1	A. Under five minutes.	15:39:59
2	Q. Now, you are relying upon this Exhibit 3 to	15:40:00
3	support the figures in Exhibit 2059; is that right? Is	15:40:05
4	that what you are doing?	15:40:13
5	A. I think that's a fair assessment.	15:40:15
6	Q. Okay. So let's look at page 3 of Exhibit	15:40:19
7	2059. On page 2 -- well, first of all, on page 2, it	15:40:27
8	says, "Google says it's shipped 10 million of its	15:40:33
9	Cardboard virtual reality viewers since they first	15:40:36
10	appeared in 2014." Does it say that?	15:40:41
11	A. On page 3, you said?	15:40:43
12	Q. I said, page 2. The first sentence, "Google	15:40:45
13	says it's shipped 10 million of its Cardboard virtual	15:40:48
14	reality viewers since they first appeared in 2014."	15:40:53
15	Does it say that?	15:40:56
16	A. It does say that.	15:40:57
17	Q. Now, let's look at page 3. On the very top of	15:40:58
18	that, it says, "It's hard to say how much this tells us	15:41:07
19	about demand for Cardboard headsets, since many were	15:41:11
20	given out for free as promotional tools. 'The New York	15:41:16
21	Times,' for example, mailed over a million of them to	15:41:16
22	print subscribers in 2015, then another round in 2016."	15:41:23
23	Were you aware of that?	15:41:30
24	A. Yes.	15:41:32
25	Q. So this doesn't reflect consumer demand.	15:41:32

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1 You've got "The New York Times" sending them out kind of 15:41:36
2 willy-nilly to subscribers? 15:41:39

3 A. I think it still reflects that there is demand 15:41:44
4 in the market, maybe not consumer demand. But "The New 15:41:48
5 York Times" is buying these, or you know, I mean, even 15:41:52
6 if people put them out for free as promotional products, 15:41:54
7 somebody is paying for that. 15:42:00

8 Q. Now, let's go to page 2 of your Exhibit 3. It 15:42:02
9 says, "Today, more than 10 million Cardboard viewers 15:42:47
10 have shipped worldwide"; right? 15:42:51

11 A. Yes. 15:42:59

12 Q. Okay. Does that include all WWGC members? 15:43:00

13 A. I don't know how Google characterized these 15:43:05
14 numbers. That's a question for Google. But what I can 15:43:10
15 say is, Google collected this information in more 15:43:17
16 detail, and I believe with more accuracy than anyone 15:43:20
17 else, because they cared about the size of their 15:43:24
18 ecosystem. 15:43:27

19 Q. Yeah, I don't want to hear you droning on. My 15:43:27
20 question was simple. You are referring to the second 15:43:32
21 sentence of page 2, "Today, more than 10 million 15:43:34
22 Cardboard views have shipped worldwide." 15:43:38

23 My question to you, sir, is, do you know 15:43:41
24 whether that includes all WWGC members or not? 15:43:43

25 A. I don't know. 15:43:48

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1	Q. Now, let's go to your prototype that you	15:43:49
2	brought here today?	15:43:54
3	A. Sure.	15:43:55
4	Q. Was it your idea to bring that?	15:43:55
5	A. Yes.	15:43:57
6	Q. Now, you call it a prototype. But it's really	15:44:05
7	not; is it?	15:44:09
8	A. I don't know what you mean by that question.	15:44:10
9	Q. You said earlier, it's a re-creation of your	15:44:11
10	prototype?	15:44:15
11	A. Right.	15:44:15
12	Q. Okay. So when did you re-create that?	15:44:16
13	A. Yesterday.	15:44:18
14	Q. In anticipation of your deposition today?	15:44:19
15	A. Yes.	15:44:22
16	Q. Were you meeting with your lawyer at the time	15:44:22
17	that you decided to do that?	15:44:26
18	A. No.	15:44:28
19	Q. You did this on your own?	15:44:28
20	A. I did.	15:44:30
21	MR. KIKLIS: No further questions.	15:44:41
22	MR. ALEXANDER: None for me either.	15:44:44
23	THE VIDEOGRAPHER: Okay. This --	15:44:46
24	MR. ALEXANDER: Before we go off the record,	15:44:47
25	actually.	15:44:47

1 So there is some information that I think may 15:44:50
2 be confidential for Mr. Buckley or DODOcase relating to 15:44:53
3 financial information, and ownership percentages, and 15:45:00
4 that sort of thing. So, and I think you also asked the 15:45:02
5 questions about material that Google has designated 15:45:05
6 "confidential." I will leave that to you to decide if 15:45:07
7 you want to -- 15:45:07

8 MR. KIKLIS: We are designating this 15:45:14
9 deposition "confidential." And we are going to have to 15:45:16
10 go through, because a lot of this came out of Exhibit 15:45:18
11 2034, and also my Exhibit No. 1, so... 15:45:23

12 MR. ALEXANDER: Okay. 15:45:27

13 MR. KIKLIS: Okay? 15:45:27

14 THE WITNESS: So the whole thing is 15:45:29
15 confidential is what -- 15:45:30

16 MR. KIKLIS: We're going to have to have to go 15:45:32
17 through and figure out what is confidential and what 15:45:32
18 isn't. But 2034 is -- you don't have to worry about it. 15:45:35
19 Thank you for your time, sir. 15:45:35

20 THE WITNESS: Are we off the record? 15:45:37

21 THE VIDEOGRAPHER: Nope. 15:45:39

22 MR. KIKLIS: Okay. 15:45:39

23 THE VIDEOGRAPHER: So this concludes the 15:45:40
24 videotaped deposition of Patrick Buckley. The time is 15:45:42
25 3:45 p.m. And we are off the record. 15:45:51

1 THE REPORTER: Do you want a copy of the
2 transcript?

3 MR. ALEXANDER: No.

4 (Deposition concluded at 3:45 p.m.)

5 (Signature requested.)

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1 I declare under penalty of perjury that the
2 foregoing is true and correct. Subscribed at
3 _____, _____, this _____ day of
4 _____, 20____.

5
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7
8
9 _____
10 PATRICK BUCKLEY
11
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REPORTER'S CERTIFICATE

I, COLLEEN P. DOHERTY, CSR No. 345, Certified
Shorthand Reporter, certify:

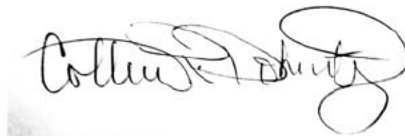
That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony and all objections made were
recorded stenographically by me and transcribed by me or
under my direction;

That the foregoing is a true and correct record
of all testimony given, to the best of my ability;

I further certify that I am not a relative or
employee of any attorney or party, nor am I financially
interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this
2nd day of April, 2024.



COLLEEN P. DOHERTY, CSR 345

Notary Public

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APRIL 2, 2024

RE: GOOGLE LLC VS. DDC TECHNOLOGY, LLC

MARCH 27, 2024, PATRICK BUCKLEY, JOB NO. 6599666

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1 _X_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

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9 ___ Federal R&S Not Requested - Reading & Signature was not
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1 RE: GOOGLE LLC VS. DDC TECHNOLOGY, LLC
2 PATRICK BUCKLEY, JOB NO. 6599666
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.