

1 BY THE WITNESS:

2 A So as described, if I read Paragraph 107:
3 Figure 8 is an exploded view of another embodiment
4 of a biometric sensor stack. While Figure 9 is a
5 cross-sectional view of the biometric sensor stack
6 in an assembled state.

7 In the embodiment shown in these figures,
8 a cap 800 may be fitted into a trim 805 and may be
9 externally accessible to a user. For example, the
10 cap may be positioned such that a user may touch
11 the cap during operation of the electronic device
12 or while using the device. The user may touch the
13 cap to permit the device to capture a fingerprint
14 or to depress the cap to provide an input signal
15 to the electronic device.

16 That's what's stated in Paragraph 107.

17 BY MR. DOUGLAS:

18 Q So I'd like to look at Paragraph 130 of
19 the Myers reference, 1-3-0.

20 A Okay.

21 Q And you refer to Paragraph 130, at least
22 in Paragraph 91 of your declaration, Pages 58 and

1 59.

2 A That is correct. At the last sentence
3 of -- or last couple sentences of Paragraph 91
4 starting on the top of Page 59: Myers already
5 proposes a gasket 1025, such as a silicon gasket,
6 that may form a seal and can prevent dirt, sweat,
7 water, and the like from entering the interior of
8 the electronic device.

9 And that's from 1007, which is Myers.

10 Based on this disclosure, a POSITA would
11 not have perceived any benefit from incorporating
12 Jung's key waterproofing structures into the
13 button assembly and has no motivation because it's
14 already sealed. You don't need another seal.

15 Q And Paragraph 130 of Myers is discussing
16 gasket 1025; is that correct?

17 A A gasket 1025, such as a silicon gasket,
18 may form a seal between the trim 805 and the
19 housing of the electronic device.

20 The gasket 1025 may be flexible to permit
21 deformation during a button press and related
22 motion, et cetera.

1 Q And you likewise rely on gasket 1025 in
2 Paragraph 91 of your declaration, correct?

3 A Correct. In Paragraph 50 -- sorry,
4 Paragraph 91 at the top of the Page 59: And Myers
5 proposes a gasket 1025 forming a seal preventing
6 dirt, water, et cetera.

7 And then as I further describe in the
8 final sentence of that paragraph: Based on this
9 disclosure, a POSITA would not receive any benefit
10 from incorporating Jung's key waterproofing
11 structures into its button assembly.

12 And, again, this is in the reverse
13 construction, as opposed to the construction that
14 was actually proposed by AliveCor.

15 Q And turning back to Exhibit 1007,
16 Paragraph 130, gasket 1025 is being described in
17 conjunction with Figures 12 and 13; is that fair?

18 MR. AMON: Objection. Mischaracterizes
19 the document.

20 You can go ahead, Dr. Anthony.

21 BY THE WITNESS:

22 A The gasket is -- shows up -- or 1025, the

1 numbering shows up in Figure 12, also shows up in
2 Figure 13, also shows in Figure 14. So it shows
3 up in those three figures.

4 BY MR. DOUGLAS:

5 Q And looking at Paragraph 127 of the Myers
6 reference.

7 A 127 you said?

8 Q 127, yes, sir.

9 A Okay.

10 Q This paragraph states, "Figures 12 and 13
11 are cross-sectional views taken through the
12 biometric sensor stack and surrounding portion of
13 the electronic device of Figure 11 and show the
14 biometric sensor stack of Figures 8 through 10
15 within the device."

16 Do you see that?

17 A I do.

18 Q Is it fair to say that Figures 12 and 13
19 are showing views of the sensor we looked at in
20 Figure 8?

21 A I have to trust what was -- what is
22 written there. This is not forming the basis of

1 my opinions as I was analyzing the proposed
2 construction.

3 But as written there in Paragraph 127:
4 Figures 12 and 13 with cross-sectional views taken
5 through a biometric sensor stack and surrounding
6 portion of electronic device of Figure 11 and show
7 the biometric sensor stack of Figures 8 through 10
8 within the device. Generally, both figures
9 illustrate the stack within the structure of the
10 electronic device. Figure 14 is a close-up
11 perspective of cross-section of the biometric
12 sensor stack within the electronic device.

13 Q And I believe we talked about Figure 8,
14 and I believe you said you hadn't rendered an
15 opinion with regard to whether Figure 8 was a
16 different embodiment from the sensors shown in
17 Figure 1. Is that a fair characterization?

18 A Again, my analysis was my impression -- in
19 analyzing the proposed construction, I was not
20 analyzing Figure 8 in isolation, but, as I
21 highlight in my declaration through the paragraphs
22 highlighting Jung and Myers combination, all the

1 reasons why it would not work and why a POSITA
2 would not be motivated to combine.

3 Q Could we turn, Dr. Anthony, to
4 Paragraph 143 of your first declaration, please.

5 A 143?

6 Q 143, yes, sir.

7 A Okay.

8 Q And in Paragraph 143, the first sentence
9 you state, "In the cited portion of Jung, the
10 process of forming the silicon-not-attached
11 portion (mapped to the seal that is overmolded) is
12 one that is performed after the circuit board
13 bracket and the silicon rubber are sealed through
14 insert injection."

15 Do you see that?

16 A Yes.

17 Q And in forming your opinions in
18 Paragraph 143, what did you understand
19 Exhibit 1005 to be disclosing when it disclosed
20 "insert injection"?

21 A As I describe in my Paragraph 122: As
22 described above, the electronic device adopting

1 the key waterproof structure in a method of
2 waterproofing a key according to various
3 embodiments of the present disclosure may be made
4 of two processes such as a process of forming the
5 silicon-not-attached portion that is used for
6 assembling the flexible printed circuit board
7 in -- I'm -- I'm not exclusively reading, I'm
8 adding some clarity in my reading, so let me
9 restate that.

10 As described above, the electronic device
11 adopting the key waterproof structure and a method
12 of waterproofing a key, according to the various
13 embodiments of the present disclosure may be made
14 of two processes, such as a process of forming the
15 silicon-not-attached portion for assembling the
16 flexible printed circuit board in the
17 insert-injected product after the circuit board
18 bracket and the silicon rubber are sealed through
19 the insert injection in the process of bonding
20 only the silicon-not-attached portion for
21 waterproofing.

22 So the insert injected product, injection

1 molded, and then a gasket such as the
2 silicon-not-attached portion would be then
3 attached to it in a two-step process, for example.

4 It's not a -- an overmolding process that
5 is being described there.

6 Q So is it your opinion, Dr. Anthony, that
7 insert injection is not a form of overmolding?

8 A Insert injection is not considered an
9 overmolding; it's generally a single -- call it a
10 single mold, if you will. As -- yeah, it's not
11 overmolding processing.

12 Q And what do you mean by -- strike that.

13 Can I ask you, Dr. Anthony, to turn to the
14 Chang reference that's been marked as 1015 in the
15 948 and 949 proceedings.

16 A Okay.

17 Q And, Dr. Anthony, I believe that you have
18 a paper version and an electronic version of
19 Exhibit 1015, Chang; is that correct?

20 A Correct.

21 Q I'd like to look at column 13, lines 1
22 through 5. Will you turn there, please.

1 A Okay.

2 Q And starting at column 13, line 1, Chang
3 states, "According to an example embodiment, the
4 mutual contact faces between the flexible
5 conductive member 500 and the circuit region 453
6 may be designed to be bonded with a thin FPCB
7 antenna (TFA) or hot bar soldering structure or an
8 FPCB contact structure."

9 Do you see that?

10 A Yes.

11 Q Dr. Anthony, what is a thin FPCB antenna
12 bond?

13 MR. AMON: Objection. Vague.

14 But go ahead, Doctor.

15 BY THE WITNESS:

16 A So that's describing in Paragraph -- the
17 top of column 13, the multiple ways the mutual
18 contact between flexible conductive member 500 and
19 the circuit region may be designed to be bonded
20 with a thin flexible PCB -- flexible printed
21 circuit board antenna or a hot bar soldering
22 technique or FPCB contact structure.

1 So multiple techniques with which to bond
2 the flexible conductive member 500 and the circuit
3 region 453 to be electrically connected to each
4 other and may transfer a signal or a pressure
5 which is transferred from the fingerprint
6 recognizing member 450 to the inside of the
7 electronic device.

8 THE WITNESS: Whenever we're at a
9 convenient pausing point after this, I need to use
10 a quick bio break.

11 MR. DOUGLAS: Okay. Let me finish this
12 question, if that's okay, Dr. Anthony --

13 THE WITNESS: Sure.

14 MR. DOUGLAS: -- and then we'll take a
15 break.

16 THE WITNESS: Please.

17 BY MR. DOUGLAS:

18 Q And so when you read from column 13,
19 lines 1 through 10 and use the term "thin FPCB
20 antenna," what is your understanding of a thin
21 FPCB antenna as it's used in Chang?

22 A As I said, it's a technique to make

1 electrical connections -- sort of, you know,
2 generally a thin antenna structure and make
3 electrical connection. So multiple techniques
4 here to make electrical connectivity between
5 components.

6 MR. DOUGLAS: Okay. I mean, I think this
7 is a good time to take a break and go off the
8 record, please.

9 THE WITNESS: Okay.

10 (WHEREUPON, a recess was had.)

11 BY MR. DOUGLAS:

12 Q Before the break, Dr. Anthony, we were
13 talking about the Chang reference and column 13,
14 lines 1 through 5.

15 Do you recall that discussion?

16 A Yes.

17 Q And in your opinion, a person of ordinary
18 skill in the art reading Kim, would that person of
19 ordinary skill in the art know how to implement a
20 thin FPCB antenna, hot bar soldering structure, or
21 an FPCB contact structure as it's used in
22 column 13, lines 1 through 5 of Kim?

1 MR. AMON: Objection. Incomplete

2 hypothetical --

3 BY THE WITNESS:

4 A You mean --

5 MR. AMON: Objection. Incomplete

6 hypothetical. Calls for speculation. Outside the
7 scope.

8 You can go ahead and answer, Dr. Anthony.

9 BY THE WITNESS:

10 A I'm confirming you said Kim, but we're
11 talking about Chang.

12 BY MR. DOUGLAS:

13 Q I meant Chang. My error. Let me reask
14 the question.

15 And in your opinion, a person of ordinary
16 skill in the art reading Chang, would that person
17 of ordinary skill in the art know how to implement
18 the disclosed thin FPCB antennae, hot bar
19 soldering structure, or FPCB contact structure for
20 bonding flexible conductive member 500 and circuit
21 region 453 as it's disclosed in column 13, lines 1
22 through 5 of Chang?

1 MR. AMON: Objection. Incomplete
2 hypothetical. Calls for speculation. Outside the
3 scope.

4 But you can go ahead, Dr. Anthony.

5 BY THE WITNESS:

6 A I didn't opine about that particular
7 paragraph in isolation for forming my opinions. I
8 can review more of the Chang reference here.

9 As is further described, again this is not
10 something I opined on in particular, but a POSITA
11 reading Chang would also read at the top of
12 column 17: An operation 30, an operation of
13 bonding and connecting the flexible conductive
14 member 500, the patent is through the opening
15 inside the first sealing member 600 to the circuit
16 region in Figure 7a may be performed.

17 Mutual contact faces between the flexible
18 conductive member 500 and the circuit region 453
19 may be designed to be bonded with a thin FPCB
20 antenna (TFA) or hot bar soldering structure or an
21 FPCB contact structure.

22 With this bonding, the flexible conductive

1 member 500 and the circuit region 453 may be
2 electrically connected to each other and may
3 transfer a signal or a pressure, which is
4 transferred from the fingerprint recognizing
5 member 450 to the inside of the electronic device.

6 So certainly a POSITA would understand the
7 need to connect things and be familiar with
8 multiple ways to do so.

9 BY MR. DOUGLAS:

10 Q If we look at Figure 10 of the Chang
11 reference, please. And along with Figure 10, I
12 would like to look at the corresponding text that
13 starts on column 12, line 27.

14 A So Figure 10 I have -- I'm just noting I
15 have highlighted or annotated on Page 33 of my
16 declaration, I describe it in Paragraph 47.

17 Okay.

18 Q And so looking at Figure 10 on Page 33 of
19 your declaration, you annotate a few structures,
20 correct?

21 A So in Paragraph 47, The assembly of the
22 component of Chang's key module shown in Figure 3

1 is confirmed by Chang's Figure 10. As shown in
2 the cross-section of Chang's key module, a portion
3 of conductive member 500, that's highlighted in
4 teal or the lighter blue, is arranged coplanar;
5 i.e. not positioned below the sealing member 600
6 in green, and a lower plate 470, which is the
7 darker blue.

8 Q And in Figure 10, as you've annotated it
9 here on Page 33 of your first declaration, we see
10 a portion of flexible conductive member 500,
11 highlighted in teal, above a small portion of
12 lower plate 470, highlighted in blue, correct?

13 A It's above the top surface, if you will,
14 the reverse S sits -- of the teal section, sits on
15 the blue, the 470, and it's coplanar with the
16 green, which is the sealing member 600.

17 Q And so for purposes of the discussion,
18 would it be fair to refer to the top surface of
19 the reverse S of flexible conductive member 500 as
20 the portion that is coplanar with sealing member
21 600?

22 A Yes, that section is coplanar with sealing

1 member 600.

2 Q In looking at that top portion, top
3 surface of the reverse S that is flexible
4 conductive member 500, the portion of flexible
5 conductive member 500 that's coplanar with sealing
6 member 600 is shown to be narrower than the
7 structure of lower plate 470, correct?

8 MR. AMON: Objection. Vague.

9 But you can go ahead and answer,
10 Dr. Anthony.

11 BY THE WITNESS:

12 A So if I try to interpret your question,
13 you mean the -- along the length of the page, the
14 thickness of height, the horizontal of X and the Y
15 axis then as being the vertical, the vertical
16 axis, Y axis of 470 is thicker than both 4 -- or
17 600 and 500. And 600 is thicker than 500.

18 BY MR. DOUGLAS:

19 Q And when viewing it along the -- when
20 viewing Figure 10 along the horizon or the
21 horizontal axis, is the portion of conductive
22 member 500 that's coplanar with sealing member 600

1 narrower than the horizontal width of lower plate
2 470?

3 MR. AMON: Same objection.

4 But go ahead.

5 BY THE WITNESS:

6 A As I've tried to describe, so the
7 thickness, if you will, the narrower dimension,
8 smaller dimension of 4 -- sorry, of 500 is smaller
9 than the smallest axis of the 470, which is the
10 lower plate, and also of 600, the sealing member.

11 BY MR. DOUGLAS:

12 Q And so with the understanding that we're
13 talking about thickness in the vertical direction,
14 can we talk about width in the horizontal
15 direction; would that be fair?

16 A Okay.

17 Q And so when you compare the width of
18 conductive -- of the portion of conductive member
19 500 that is coplanar with sealing member 600 to
20 the width of lower plate 470, would you consider
21 that portion of conductive member 500 to have a
22 narrower width than lower plate 470?

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

3 But you can go ahead and answer,
4 Dr. Anthony.

5 BY THE WITNESS:

6 A So the top portion of the S in Figure 10
7 along the horizontal direction, as drawn, seems to
8 be narrower in horizontal direction than the
9 darker blue lower plate and bigger than the
10 sealing member 600.

11 BY MR. DOUGLAS:

12 Q And, similarly, the top portion of the S
13 in Figure 10 of conductive member 500 as drawn is
14 narrower in the horizontal direction than Item 453
15 as shown in Figure 10 on Page 33?

16 MR. AMON: Objection. Speculation.

17 But go ahead, Dr. Anthony.

18 BY THE WITNESS:

19 A Sorry. Can you ask the question again? I
20 missed which axis you were talking about.

21 BY MR. DOUGLAS:

22 Q Fair enough.

1 Using the horizontal axis. And I would
2 like to compare the top portion of the S, which is
3 the portion of conductive member 500 that's
4 coplanar with the sealing member 600, with the
5 width in the horizontal direction of circuit
6 region 453.

7 And my question is, is that top portion of
8 the S, conductive member 500, narrower in the
9 horizontal direction than circuit region 453?

10 A It does appear to be narrower than the 453
11 circuit region as drawn there.

12 MR. DOUGLAS: Dr. Anthony, would you mind
13 if we take another maybe eight-to-ten-minute
14 break?

15 THE WITNESS: Certainly.

16 (WHEREUPON, a recess was had.)

17 MR. DOUGLAS: Dr. Anthony, thank you for
18 your time today. I don't have any more questions
19 at this time, and I pass the witness.

20 MR. AMON: Dr. Anthony, I just have a
21 couple of clarifying questions for you, if you
22 don't mind.

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EXAMINATION

BY MR. AMON:

Q So if I could ask you to turn to the
'619 patent, Exhibit 1001, and let me know when
you have it front of you.

A Okay. '619, yes.

Q Do you have it in front of you,
Dr. Anthony?

A I do. Yes.

THE WITNESS: And just so you know, your
audio is --

MR. AMON: Okay. I'm going to try to be
closer so that everybody can hear me, and I will
try to project my voice. Is that better?

THE WITNESS: Yes.

BY MR. AMON:

Q So if I could ask you to turn to column 5
and read lines 1 through 14 to yourself and let me
know when you've done that.

A Column 5, 1 through 14, check.

Q And do you recall that Mr. Douglas asked
you some questions about the section of the

1 specification of the '619 patent earlier today?

2 A Yes.

3 Q And it was in the context of the claim
4 construction for biometric characteristic; do you
5 recall that?

6 A Yes.

7 Q Now, you see that column 5, the second
8 sentence of that first paragraph reads, "For
9 example, the biometric characteristics may be used
10 to identify a user and, thus, may provide a
11 biometric identification for a process or a
12 transaction. The biometric identification may be
13 used to, for example, unlock an electronic device,
14 authorize a transaction, send an alert, and/or
15 enable applications running on the electronic
16 device."

17 Did I read that second and third sentence
18 correctly?

19 A Yes.

20 Q And, in your opinion, could sending an
21 alert be triggered by a biometric characteristic
22 such as, for example, heart rate or blood

1 pressure?

2 A Yes.

3 Q And could you provide examples of where
4 heart rate might be used to send an alert?

5 A For example, if the heart rate went above
6 a threshold or below a threshold, so such that you
7 were having either heart stoppage or defib.

8 Q Or tachycardia or bradycardia or any other
9 condition, correct?

10 MR. DOUGLAS: Objection. Leading.

11 BY THE WITNESS:

12 A Correct.

13 BY MR. AMON:

14 Q If I could ask you to turn to
15 Paragraphs 97 and 98 in your declaration, the
16 first declaration, Exhibit 2009.

17 A 97 and 98?

18 Q Yes -- actually, I take that back. It's
19 96 through 98. Just so we're clear, 96
20 through 98.

21 A Okay.

22 Q And let me know when you're there.

1 A I'm there.

2 Q And if you could read those paragraphs to
3 refresh your memory as to what we're discussing
4 here, and let me know when you've done that.

5 A Okay.

6 Q Okay. I'm going to ask first a
7 foundational question: Do you recall Mr. Douglas
8 asking you at the beginning if you understood why
9 you were being deposed in this matter?

10 A Yes.

11 Q And do you recall what your answer was to
12 that question?

13 A Yes, to offer my -- to be -- discuss my
14 deposition -- declaration. Sorry.

15 Q Yeah, your declaration. And your
16 declaration in what regard?

17 A In context of my opinions about the
18 proposed constructions put forth by AliveCor and
19 Dr. Berger.

20 Q And with that framework of why you sat for
21 deposition, Mr. Douglas also asked you some
22 questions about Paragraphs 98 and 97 to the effect

1 of your analysis seemed to be modifying Myers with
2 the teachings of Jung as opposed to Jung with the
3 teachings of Myers; do you recall that?

4 A Correct. Yes.

5 Q And my question is, why did you analyze
6 the modification of Myers with the teachings of
7 Jung and vice-versa?

8 A I'm missing where I state it in my
9 declaration, but the -- AliveCor made the claim
10 was Jung in view of Myers, but then they switched
11 for some of our arguments Myers in view of Jung,
12 so I chose to address both.

13 Q And was that understanding based on your
14 reading of AliveCor's papers and Dr. Berger's
15 declaration?

16 A That is correct.

17 Q And then hopefully the last set of
18 questions for you. If I could ask you to turn
19 back to Page -- well, really 51 and 52 of your
20 declaration, Exhibit 2009 in the first IPR ending
21 948, and let me know when you're there.

22 A Page 51 or Paragraph 51?

1 Q Page 51.

2 A Page 51. Okay.

3 I am there.

4 Q And starting at the bottom of Page 51,
5 Paragraph 81, and then over all the next two
6 pages, you're addressing Kim's Figure 10; do you
7 see that?

8 A Yes.

9 Q Now, do you happen to have Kim
10 Exhibit 1004 in front of you?

11 A Yes.

12 Q And if I could ask you to turn to Kim and
13 specifically Kim at column -- columns 21 and 22.

14 Let me know when you're there.

15 A Okay. I'm there.

16 Q And if you could take some time and review
17 the disclosure of Kim starting at around
18 column 21, line, I want to say it's 27, and then
19 continuing all over onto column 22 through about I
20 imagine it will be line 34.

21 And just have -- please read that, and
22 then let me know when you've done that.

1 A Okay.

2 Q And having refreshed your memory on that
3 portion of Kim, where I could ask you to now turn
4 back to your declaration at Paragraph 81 and
5 specifically Footnote 6 on -- that starts at the
6 bottom of Page 51 and continues on to Page 52.

7 A Yes.

8 Q And do you recall you had a discussion
9 with Mr. Douglas earlier about how the fact that
10 Figure 10 in Kim was mislabeled?

11 A Correct. Yes.

12 Q And having refreshed your memory on
13 column 21 over onto column 22 and looking at the
14 footnote in your declaration, Footnote 6, is it
15 your understanding that Footnote 6 attempts to
16 correct the mislabeling of Figure 10 in Kim?

17 A Correct. Yes.

18 Q And do you understand that that's what
19 you're describing in Footnote 6?

20 MR. DOUGLAS: Objection. Leading.

21 BY THE WITNESS:

22 A Yes, as I highlight in -- on Page 53 with

1 the correct labeling of the figure.

2 BY MR. AMON:

3 Q And, as you understand it, that is the
4 correct labeling that should apply to Kim
5 Figure 10?

6 A That is correct. That's why I included it
7 on Page 53.

8 MR. AMON: No further questions,
9 Dr. Anthony.

10 THE WITNESS: Thank you.

11 MR. DOUGLAS: Can we take about a
12 five-minute break, Dr. Anthony?

13 (WHEREUPON, a recess was had.)

14 MR. DOUGLAS: Thank you, Dr. Anthony. We
15 don't have any further questions. We really
16 appreciate your time today.

17 THE WITNESS: Thank you.

18 (WHEREUPON, the deposition was concluded
19 at 3:49 p.m. CST)

20

21

22

ACKNOWLEDGMENT OF DEPONENT

I, BRIAN ANTHONY, Ph.D., do hereby
 acknowledge that I have read and examined the
 foregoing testimony and the same is a true,
 correct, and complete transcription of the
 testimony given by me and any corrections appear
 on the attached errata sheet signed by me.

 (SIGNATURE)

 (DATE)

1 CERTIFICATE OF SHORTHAND REPORTER

2
3 I, MICHELLE M. YOHLER, Certified Reporter and
4 for the State of Illinois do hereby certify:

5 That BRIAN ANTHONY, Ph.D., the witness whose
6 deposition is hereinbefore set forth, was duly sworn
7 by me before the commencement of such deposition and
8 that such deposition was taken before me and is a true
9 record of the testimony given by such witness.

10 I further certify that the adverse party,
11 APPLE INC., was represented by counsel at the
12 deposition.

13 I further certify that the deposition of
14 BRIAN ANTHONY, Ph.D., was conducted virtually via
15 Zoom on Thursday, July 11, 2024, commencing at
16 8:01 a.m. to 3:49 p.m.

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

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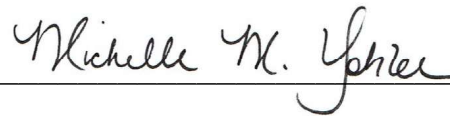
AliveCor Exhibit 1027

AliveCor, Inc. v. Apple Inc.

IPR2023-00948, U.S. Patent No. 10,866,619

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1 IN WITNESS WHEREOF, I have hereunto set my
2 hand this 18th day of July, 2024.

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8 Michelle M. Yohler, CSR, RMR, CRR

9 Certified Shorthand Reporter

10 CSR No.: 84-4531
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