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Transcript of Michael Barrett

Date: August 6, 2024

Case: Carbyne Biometrics, LLC -v- Apple, Inc.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Carbyne Ex. 2040, p.1 of 6
Apple v. Carbyne
IPR2024-00332

1 (1 to 4)

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE WESTERN DISTRICT OF TEXAS 3 AUSTIN DIVISION 4 5 CARBYNE BIOMETRICS, LLC,) 6 Plaintiff,) 7 v.) CASE NO. 8 APPLE INC.,) 1:23-cv-00324 9 Defendant.) 10 -----) 11 12 13 14 ATTORNEYS' EYES ONLY 15 16 REMOTE VIDEOTAPED DEPOSITION OF 17 MICHAEL BARRETT 18 TUESDAY, AUGUST 6, 2024 19 LOS ANGELES, CALIFORNIA 20 21 22 23 PAGES 1 - 154 24 REPORTED BY MARK SCHWEITZER 25 CSR #10514, RPR, CRR	1 A P P E A R A N C E S 2 For the Plaintiff Carbyne: 3 McKool Smith 4 By: Daniel Iliasevitch, Esq. 5 George Fishback, Esq. 6 300 Crescent Court, Suite 1200 7 Dallas, TX 75201 8 214-978-4000 9 diliasevitch@mckoolsmith.com 10 11 12 13 14 For the Defendant: 15 Ropes & Gray LLP 16 By: Andrew Radsch, Esq. 17 1900 University Avenue, 6th Floor 18 East Palo Alto, CA 94303-2284 19 650-617-4000 20 andrew.radsch@ropesgray.com 21 22 23 24 25 For PayPal and the Witness: Hogan Lovells By: Gurtej Singh, Esq. Kyle Xu, Esq. 855 Main Street, Suite 200 Redwood City, CA 94063 650-463-4152 tej.singh@hoganlovells.com kyle.xu@hoganlovells.com
1 Videotaped Deposition of 2 Michael Barrett, held remotely: 3 4 Witness Location: 5 San Jose, California 6 7 8 9 10 Pursuant to Notice, before Mark Schweitzer, 11 Registered Professional Reporter, Certified Realtime 12 Reporter, and Certified Shorthand Reporter No. 10514 13 in and for the State of California. 14 15 16 17 18 19 20 21 22 23 24 25	1 I N D E X 2 3 August 6, 2024 4 WITNESS: PAGE 5 MICHAEL BARRETT, SWORN 7 6 DIRECT EXAMINATION BY MR. RADSCH: 7 7 EXAMINATION BY MR. ILIASEVITCH: 118 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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[REDACTED]

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Conducted on August 6, 2024

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1	PROCEEDINGS			
2	* * * *			
3	THE VIDEOGRAPHER: Here begins Media No. 1			
4	in the videotaped deposition of Michael Barrett in			
5	the matter of Carbyne Biometrics, LLC, versus Apple,			
6	Inc., in the United States District Court for the			
7	Western District of Texas, Case No 1:23-cv-00324-ADA.			
8	Today's date is August 6, 2024, and the			
9	time on the video monitor is 10:32 a.m. Pacific.			
10	The remote videographer today is Lucas			
11	Shaker, representing Planet Depos. All parties at			
12	this video deposition are attending remotely.			
13	Would counsel please voice identify			
14	themselves and state whom they represent starting			
15	with the taking attorney.			
16	MR. RADSCH: Hi, good morning. My name is			
17	Andrew Radsch from the law firm of Ropes & Gray LLP.			
18	I represent defendant Apple, Inc.			
19	MR. ILIASEVITCH: I'm Daniel Iliasevitch of			
20	McKool Smith on behalf of Carbyne Biometrics, LLC.			
21	Here with me today is my colleague George Fishback.			
22	MR. SINGH: Gurtej Singh of Hogan Lovells			
23	on behalf of PayPal and the witness. Also with me			
24	from -- from Hogan Lovells is Kyle Xu.			
25	THE VIDEOGRAPHER: Thank you, Counsel.			
1	The court reporter today is Mark			
2	Schweitzer, representing Planet Depos.			
3	The witness will now be sworn.			
4	THE REPORTER: Will you raise your right			
5	hand, please. Mr. Barrett, would you raise your			
6	right hand? Thank you.			
7				
8	MICHAEL BARRETT, SWORN			
9				
10	THE REPORTER: Thank you very much.			
11	Counsel?			
12				
13	EXAMINATION			
14	BY MR. RADSCH:			
15	Q. Good morning, sir. Would you please state			
16	your full name?			
17	A. Michael Richard Barrett.			
18	Q. Thank you, Mr. Barrett. Okay. My name is			
19	Andrew Radsch. I am one of the attorneys that is			
20	representing Apple in the patent litigation filed by			
21	a company called Carbyne Biometrics. Um, very much			
22	appreciate your time today. I understand you're very			
23	busy. So I will work to be as efficient as possible			
24	today.			
25	A. Thank you.			
1	Q. Um, absolutely. If at any time today you			
2	do not understand one of my questions, can you just			
3	please let me know.			
4	A. Sure. Yeah. And apologies for my			
5	business. My wife and I are in the middle of moving			
6	house. Hence why the room behind is, A, fairly			
7	empty, and B, looks like a bomb's hit it, but anyway,			
8	you caught -- caught us mid move.			
9	Q. That's a -- that's a difficult time. I've			
10	been in a couple of those recently myself and			
11	understand the --			
12	A. Yeah.			
13	Q. -- amount of time it takes to move.			
14	A. Yep.			
15	Q. I know you've been deposed at least once			
16	before. Have you been deposed more than once before?			
17	A. Yeah, I have. In, um, other patent			
18	infringement, um, issues. But in that one -- in			
19	those ones, I was actually one of the named			
20	inventors. So that was a different thing.			
21	Q. Okay. And -- and that was not in			
22	connection with your work at PayPal, correct?			
23	A. No, no, no. It was actually back when I			
24	worked for American Express who, um, we developed			
25	quite a number of interesting e-commerce patents in			

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89 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	91 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 Q. So secure elements were known before the 22 introduction of mobile phones, right? 23 A. Oh, yeah, yeah, yeah. Yeah, I mean, 24 TPMs -- in fact, one of the other FIDO founders, a 25 guy called Ramesh Kesanupalli, was part of the
90 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	92 1 trusted computing group which developed the original 2 TPM standard. [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 Q. What is a TPM? 9 A. Trusted Platform Module, I think it stands 10 for. 11 Q. And what is that? 12 A. It is a secure piece of storage that the 13 operating system, at its most trusted levels, can 14 access and store things in. And potentially store 15 credentials in that are then processed over there. 16 So kind of it's a secure computing environment for 17 certain hypersensitive things. 18 Q. Would those hypersensitive things include 19 user credential information? 20 A. Exactly. And biometrics typically. 21 Q. And is it a secure -- you mentioned as 22 secure, was it a secure enclave or a secure element 23 that you referenced in your earlier -- 24 A. They're all -- all much of a in terms of 25 referring to the same thing. Which is to say it's an

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1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4 I, Mark Schweitzer, Certified
5 Shorthand Reporter No. 10514, do hereby
6 Certify:
7 That prior to being examined, the witness
8 named in the foregoing deposition was by me duly
9 sworn to testify the truth, the whole truth, and
10 nothing but the truth;
11 That said deposition was taken down by me
12 in shorthand and thereafter reduced to print by
13 means of computer-aided transcription; and the same
14 is a true, correct, and complete transcript of said
15 proceedings.
16 That the amount of examination time used by
17 each party at the deposition is as follows:
18 BY MR. RADSCH: 02:25:39 (HHMM:SS)
19 BY MR. ILIASEVITCH: 00:53:58 (HHMM:SS)
20 I further certify that I am not interested in
21 the outcome of the action.
22 Witness my hand this 8th day of August, 2024.
23 
24
25 MARK SCHWEITZER, CSR #10514, RPR, CRR
Certified Shorthand Reporter
In and for the State of California

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1 DECLARATION UNDER PENALTY OF PERJURY
2
3 I, Michael Barrett, do hereby certify under
4 penalty of perjury that I have read the foregoing
5 transcript of my deposition taken August 6, 2024;
6 that I have made such corrections as appear noted on
7 the Deposition Errata Page attached hereto and signed
8 by me; that my testimony as contained herein, as
9 corrected, is true and correct.
10
11 Dated this ____ day of ____, 2024,
12 at ____, California.
13
14
15
16 MICHAEL BARRETT
17
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25