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21
22 WHEN PREPARED AS A ROUGH DRAFT



2 Today's date is October 4th 2024.
3 The time on the video monitor is 9:12
4 a.m. The videographer today is Adam
5 Vaughn representing Planet Depos. This
6 video deposition is taking place at
7 2099 Pennsylvania Avenue, Northwest,
8 Washington, D.C. 20006.

9 Would counsel please voice
10 identify themselves and state whom they
11 represent.

12 MR. FISHBACK: George Fishback on
13 behalf of plaintiff, Carbyne Biometrics,
14 and with me is my colleague Richard
15 Kamprath.

16 MR. CROSS: Allen Cross, Ropes
17 and Gray, on behalf of Apple. And with
18 me is my colleague Cassandra Roth.

19 VIDEO OPERATOR: The court
20 reporter today is Misty Klapper
21 representing Planet Depos.

22 The witness will now be sworn.

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2 VIDEO OPERATOR: We are going off
3 the record. Time is 9:14 a.m.

4 (Thereupon, a discussion was had
5 off the record.)

6 VIDEO OPERATOR: We are back on
7 the record. The time is now 9:14 a.m.
8 (Witness sworn.).

9 EXAMINATION BY COUNSEL FOR PLAINTIFF

10 BY MR. FISHBACK:

11 Q. Good morning, Dr. Nielson.

12 A. Good morning.

13 Q. How are you today?

14 A. Good.

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

17 A. Seth James Nielson.

18 Q. And Dr. Nielson, where do you
19 reside?

20 A. I live in Austin, Texas.

21 Q. All right. Before we start and
22 get into confidential material -- we have to

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2 mark the transcript AEO -- I'd like to ask
3 you a few nonconfidential questions.

4 Is that okay?

5 A. Sure.

6 Q. Awesome.

7 Do you know what a social
8 engineering attack is?

9 A. I have taught about social
10 engineering attacks.

11 Q. And could you give me a -- an
12 example of a social engineering attack?

13 A. So just a note, you're saying
14 this is nonconfidential, but I'm just going
15 to ask anyway.

16 Is there a specific part of my
17 report that you would like to ask me about in
18 context with this question?

19 Q. Not particularly.

20 A. Okay. So outside of the context
21 of the -- the reports that I've issued in
22 this case, when I explain a social

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2 engineering attack, it is typically one where
3 a human psychology is manipulated in some way
4 by an attacker for the attacker to break a
5 security policy.

6 Q. And when you say break a security

7 policy, what do you mean by that?

8 A. Well, what constitutes an
9 attack -- and, again, this is outside of the
10 context of my reports here, so this would be
11 maybe the way I would explain it to
12 students -- is almost always defined by a --
13 a security policy or property that is
14 desired.

15 For example, maybe there's a
16 policy that only certain people should have
17 access to a record. And if somebody who's
18 not one of the authorized people does get
19 access to the record, then that would be a
20 violation of the security policy or property.

21 Q. Is phishing a type of social
22 engineering attack?

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2 MR. CROSS: And, for the record,
3 that is phishing with a P-H.

4 THE WITNESS: So, again, outside
5 of the context of -- of my reports,
6 phishing can include -- well, it
7 definitely includes a social engineering

8 component.

9 I don't know -- the -- these --
10 the terminology is varied and can depend
11 on context. But when I explain phishing
12 to my students in my class, the social
13 engineering component is something I --
14 I discuss.

15 Q. Okay. Is it fair to say that a
16 social engineering attack is about tricking a
17 user?

18 A. Not necessarily.

19 Q. In what cases would it be not
20 necessarily true?

21 A. A social engineering attack can
22 also exploit coercion.

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2 Q. What do you mean by exploit
3 coercion?

4 A. Well, again, this is out of
5 context of my reports, but in terms of
6 discussing human psychology in -- in my
7 teaching or -- or with clients, a social
8 engineering attack could include threats of
9 violence. So I'm going to call up somebody

10 and be like I want you to give me a password
11 or else.

12 Q. In your classes that you -- you
13 teach to your students, do you teach ways to
14 defend against social engineering attacks?

15 A. In my class I do talk about how
16 to deal with social engineering. Some of the
17 discussion is more about the general issues.
18 There aren't always the greatest defenses.

19 And so sometimes it's just a
20 realization that it's the nature of the --
21 the context and that systems have to be
22 resilient against manipulation and -- and

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2 threats at a social level.

3 Q. All right. So we can get back to
4 your background.

5 And I think we should mark the
6 transcript AEO going forward. Thank you.

7 A few background questions for
8 you.

9 Have you ever been deposed
10 before?