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

SAMSUNG ELECTRONICS CO., LTD.,)
)
Petitioner,)
)
vs.)
)
HEADWATER RESEARCH LLC,)
)
Patent Owner.)
_____)

CERTIFIED COPY

Case No.: IPR2024-00010
PATENT 9,615,192

DEPOSITION OF
DR. MICHAEL C. BROGIOLI
REMOTELY HELD VIA VIDEOCONFERENCE TECHNOLOGY
DECEMBER 3, 2024

REPORTED BY:
LYNETTE MARIE NELSON,
CA CSR No. 11585, OR CSR No. 250121,
TN LCR No. 896, RPR, CRR, CCRR, CRG,
REALTIME SYSTEMS ADMIN.
JOB NO. 24-144891
FR Ref. 39843-0166IP1

THE SULLIVAN GROUP OF COURT REPORTERS

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UNITED STATES PATENT AND TRADEMARK OFFICE
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SAMSUNG ELECTRONICS CO., LTD.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No.: IPR2024-00010
	)	PATENT 9,615,192
HEADWATER RESEARCH LLC,	)	
	)	
Patent Owner.	)	

DEPOSITION OF DR. MICHAEL C. BROGIOLI,
taken by the Petitioner, commencing at the hour of
10:03 a.m. on Tuesday, December 3, 2024, held remotely
via videoconference, before Lynette Marie Nelson,
Certified Shorthand Reporter in and for the State of
California, Oregon, and Tennessee.

APPEARANCES:

For the Petitioner:

**FISH & RICHARDSON, P.C.
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Minneapolis, Minnesota 55402
(202)783-5070
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For the Patent Owner:

**RUSS, AUGUST & KABAT
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I N D E X

WITNESS: DR. MICHAEL C. BROGIOLI	PAGE
EXAMINATION	
BY MR. JHURANI	5
BY MR. MILKEY	53
BY MR. JHURANI	60

E X H I B I T S

MARKED FOR IDENTIFICATION	PAGE
Exhibit 1 Brogioli Declaration	8
Exhibit 2 SAMSUNG 1004	11
Exhibit 3 SAMSUNG 1001	14
Exhibit 4 3G TR 21.801 V4.0,0 (2000-06)	54

1 REMOTE DEPOSITION; TUESDAY, DECEMBER 3, 2024, 10:03 A.M.

2 -000-

3 THE STENOGRAPHER: Counsel, if you will waive
4 the read-in, I will swear in the witness.

5 MR. MILKEY: So yeah, we also waive the
6 read-in.

7 MR. JHURANI: Yes, waived on our end.

8 (Witness sworn.)

9 THE WITNESS: Yes, I do.

10 THE STENOGRAPHER: Thank you.

11

12 DR. MICHAEL C. BROGIOLI,
13 HAVING BEEN DULY SWORN BY THE CERTIFIED SHORTHAND
14 REPORTER, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

15 EXAMINATION

16 BY MR. JHURANI:

17 Q. Good morning, sir. This is Karan Jhurani, and
18 I will just state for the record, I'm with Fish &
19 Richardson appearing on behalf of petitioner, Samsung.

20 Sir, could you please state your name for the
21 record.

22 A. Yes, it's Michael Brogioli, B-R-O-G-I-O-L-I.

23 Q. All right. Thank you.

24 I'm going to go over some ground rules today,
25 sir, for today's deposition.

1 what happens? At the time when the earliest desired
2 time of delivery arrives, so 7:00 p.m. Eastern?

3 MR. MILKEY: Objection to form.

4 THE WITNESS: So I'll refer us back to my
5 paragraph 80.

6 In that at the 7:00 p.m. Eastern time for our
7 earliest time of delivery example, in this special case
8 as denoted on Figure 28 where the originator and
9 recipient MMS relay/servers are the same, since the
10 originator and recipient are the same, that the
11 recipient, it sounds like, as I'm describing in
12 paragraph 80, it's going to be ultimately responsible
13 for delivering to that recipient MMS user agent and
14 won't deliver before that earliest time of delivery.
15 But in this special case, the route forwarding between
16 different MMS relay/servers is not part of the process.

17 BY MR. JHURANI:

18 Q. If we can -- thank you, sir, for that. If we
19 can go to page 29 of TS-23.140.

20 A. Okay.

21 Q. I'll draw your attention to Section 7.1.3 and
22 specifically the third paragraph that begins with:

23 "Upon retrieval request, the
24 recipient MMS relay/server."

25 And then it's got a list of bullet points under

1 that.

2 Do you see that?

3 A. Yes.

4 Q. A little more than halfway in this list there
5 is a bullet point stating:

6 "Shall store messages in the
7 network until the recipient MMS User
8 Agent becomes reachable (e.g., user
9 moves" sent to -- "moves back into
10 coverage, switches MMS user agent on)
11 or until MM expires."

12 Do you see that?

13 A. Yes.

14 Q. When it says "user moves back into coverage,"
15 what's your understanding of what the word "coverage"
16 means there?

17 A. That it's saying the -- the user agent is
18 either, in one case, turned on or switched on or that
19 it's within coverage, the user moves back within --
20 within network coverage so it's now reachable -- it
21 sounds like reachable from the network or reachable from
22 the MMS relay/server.

23 Q. That would be the user terminal being available
24 or reachable over a network is what that "moves back
25 into coverage" means?

1 A. I think that sounds fair, yeah. It reach -- I
2 don't know that it's specifically saying -- I'll back
3 up.

4 That's right. That it's now the user has moved
5 back into an area where it's covered by the network and
6 can be reached.

7 Q. Got it.

8 THE STENOGRAPHER: Can we pause here for a
9 moment?

10 MR. JHURANI: Sure.

11 (Brief pause in proceedings.)

12 MR. JHURANI: I'll make it easier. I have no
13 further questions.

14 MR. MILKEY: Okay. Can we take a 15-minute
15 break? I need to review some notes.

16 MR. JHURANI: Sure.

17 (A recess was taken.)

18 EXAMINATION

19 BY MR. MILKEY:

20 Q. So welcome back, Dr. Brogioli. I just have a
21 couple of quick questions.

22 Before we begin, I have uploaded Exhibit 4 into
23 the chat. If you could download that and let me know
24 when you have it.

25 A. Okay. I've got it.

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FURTHER EXAMINATION

BY MR. JHURANI:

Q. Dr. Brogioli, you did not cite Depo Exhibit 4 in your declaration; correct?

A. I think that's correct. We had discussed or I had answered earlier this morning that there are governing documents for these 3GPP references, but I don't believe I cited it explicitly.

Q. And before today, had you seen the specific Exhibit 4 that you just talked about with counsel?

MR. MILKEY: Object to form.

THE WITNESS: I've seen versions of that document and probably referenced it in the past. As to whether I looked at the specific 4.0.0 revision, I don't recall.

MR. JHURANI: No further questions.

MR. MILKEY: Nothing further for me.

THE STENOGRAPHER: Any confidentiality concerns or other stipulations you need?

MR. MILKEY: No.

MR. JHURANI: No.

- - -

(Deposition was concluded at 12:19 p.m.)

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