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

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TIKTOK, INC.,

Petitioner,

v.

CELLSPIN SOFT, INC.,

Patent Owner,

-----X

IPR2024-00757

U.S. Patent No. 8,756,336B2

IPR2024-00759

U.S. Patent No. 8,862,757 B2

IPR2024-007 60

U.S. Patent No. 8,898,260 B2

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REMOTE DEPOSITION OF  
PAVAN M. GAJENDRAGAD  
Friday, March 21, 2025

Reported By: Randi J. Garcia, RPR

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DIGITAL EVIDENCE GROUP  
1730 M. Street, NW, Suite 812  
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1 Transcript of the deposition of  
2 PAVAN M. GAJENDRAGAD, called for Oral  
3 Examination in the above-captioned matter,  
4 said Deposition being taken pursuant to  
5 Federal Rules of Civil Procedure by and  
6 before RANDI J. GARCIA, Registered  
7 Professional Reporter, and Notary Public, via  
8 Zoom, on Friday, March 21, 2025, commencing  
9 at approximately 2:00 p.m.

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I N D E X

WITNESS: PAVAN M. GAJENDRAGAD

EXAMINATION

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1 P A V A N G A J E N D R A G A D, after  
2 having been first duly sworn, was examined  
3 and testified as follows:

4 EXAMINATION

5 BY MR. BONILLA:

6 Q. Good morning, sir. Would you please  
7 state and spell your name for the record.

8 A. I am Pavan Gajendragad, P-A-V-A-N,  
9 G-A-J-E-N-D-R-A-G-A-D.

10 Q. Have you been deposed before?

11 A. No.

12 Q. Have you ever testified in a trial  
13 before?

14 A. No.

15 Q. Do you understand why you're here  
16 today?

17 A. Yes, I do.

18 Q. What is your understanding of what we  
19 are doing here today?

20 A. So I'm trying -- I'm here to give my  
21 expert opinion.

22 Q. And your expert opinion on behalf of

1 CellSpin Soft Incorporated?

2 A. Yes. That is correct.

3 Q. You understand that they're the  
4 patent owner in these proceedings?

5 A. Yes, I do.

6 Q. And did you prepare a report or  
7 declaration in support of CellSpin Soft's  
8 positions in these proceedings?

9 A. Yes.

10 Q. Have you --

11 A. You are an attorney?

12 Q. Yes. So I am an attorney -- good  
13 question. I'm an attorney for the petitioner,  
14 for TikTok.

15 A. Okay.

16 Q. And so I'm going to be asking you  
17 some questions mostly about your -- about you  
18 and your declaration in these proceedings,  
19 limited to three of them. I believe you  
20 actually provided opinions on seven patents; is  
21 that right?

22 A. Yes.

1 Q. We are going to talk about three of  
2 them today. Is that okay?

3 A. Yeah.

4 Q. Did you do anything to prepare for  
5 this deposition today?

6 A. Well, I read my report.

7 Q. What else?

8 A. Just had a good breakfast.

9 Q. What else?

10 A. That's about it. Yeah.

11 Q. When did you read your report?

12 A. Last night, I guess.

13 Q. About how long did it take you to  
14 read it?

15 A. Took me quite a while, about an hour,  
16 hour and a half.

17 Q. Did you meet with anyone in  
18 preparation for your deposition today?

19 A. No.

20 Q. Did you speak with anyone in  
21 preparation for your deposition today?

22 A. No.

1 Q. Do you know who Mr. Vazquez is here?

2 A. Yes, I do.

3 Q. When was the last time you spoke with  
4 him?

5 A. I mean, just this morning he sent --  
6 he confirmed if I had got the Zoom invite or  
7 not.

8 Q. And before this morning, when was the  
9 last time you spoke with Mr. Vazquez?

10 A. A few days ago.

11 Q. And you know who CellSpin is here?

12 A. Yes.

13 Q. Do you know the CEO and president of  
14 CellSpin?

15 A. Yes, I know.

16 Q. You know Gurvinder Singh?

17 A. Yes.

18 Q. How do you know him?

19 A. We worked -- I worked with him at  
20 SoftBank.

21 Q. When was that?

22 A. 2018 and 2019.

1 Q. And between 2018/2019 when you worked  
2 with him at SoftBank, and when you were  
3 contacted about this matter, had you spoken  
4 with Mr. Singh in that time?

5 A. No.

6 Q. How were you first contacted about  
7 this matter?

8 A. When we were -- I don't recall. Back  
9 in October/November, I think, I was asked if  
10 you want to take it up by giving it a thought,  
11 and I said okay.

12 Q. And your purpose in this proceeding  
13 is to act as an expert witness; is that  
14 correct?

15 A. That is right.

16 Q. Have you been an expert witness in  
17 the past?

18 A. No.

19 Q. This is your first time being an  
20 expert witness?

21 A. Like I said, yes.

22 Q. And who contacted you about being

1 retained by CellSpin for this matter?

2 A. Initially Bobby contacted me. And  
3 after that, the counsel came in the picture.  
4 And after that, it's only been counsel, yeah.

5 Q. And when you say Bobby, you're  
6 referring to Mr. Singh?

7 A. Yes.

8 Q. Do you know who Marcos Klein is?

9 A. Say that again.

10 Q. Marcos Klein, do you know who that  
11 is?

12 A. No.

13 Q. Do you know who Vince Laviano is?

14 A. Vince Laviano, let me recall it.  
15 Yeah, I think they are the inventors of the --  
16 of -- of CellSpin's patent, I think.

17 Q. They are -- I'm not trying to trick  
18 you or anything. They are listed as the  
19 inventors on these patents.

20 Do you know either of those two  
21 individuals personally?

22 A. No, I don't.

1 Q. Have you ever spoken with them,  
2 either of them?

3 A. No.

4 Q. Have you ever spoken with anyone  
5 employed by TikTok?

6 A. No.

7 Q. I want to ask you some questions  
8 about your background. Is that okay?

9 A. Sure.

10 Q. Did you graduate from high school?

11 A. Yes.

12 Q. When was that?

13 A. High school was 1998.

14 Q. Where?

15 A. In India.

16 Q. Where in India?

17 A. Bangalore, India.

18 Q. Did you further your education after  
19 high school?

20 A. Yes. I did my BS in instrumentation  
21 technology at Visveswaraiah Institute of  
22 Technology in India.

1 Q. When you say BS, is that a degree, a  
2 bachelor of science?

3 A. Yes.

4 Q. Did you obtain any other degrees?

5 A. Yes. I also went on and got my  
6 master's education in the U.S.

7 Q. And what did you get your master's  
8 in?

9 A. Telecommunications and management.

10 Q. From what institution?

11 A. University of Maryland College Park.

12 Q. Did you physically attend that  
13 university or was it an online program?

14 A. I physically attended.

15 Q. When did you obtain your master's  
16 degree?

17 A. 2008, summer of 2008.

18 Q. So I have bachelor's of science and a  
19 master's degree. Did you obtain any other  
20 degrees?

21 A. No.

22 Q. I should have asked this before. I

1 noticed you had some papers there in front of  
2 you. Can you tell me what you've got there?

3 A. It's my resume.

4 Q. I can't see it, but that's okay. Do  
5 you have anything other than your resume in  
6 front of you?

7 A. I have my report. (indicating).

8 Q. And is that report annotated? Have  
9 you drawn on it?

10 A. I have made some notes, yeah.

11 Q. Do you have anything else in front of  
12 you?

13 A. Like a water bottle.

14 Q. Anything else?

15 A. A cup of tea.

16 Q. Anything else?

17 A. That's it.

18 Q. Do you have any -- other than the  
19 Zoom application that we are conversing through  
20 right now, do you have any other applications  
21 open on your computer?

22 A. No.

1 Q. Do you have your cell phone with you?

2 A. Yes, I do.

3 Q. Is it on?

4 A. It's in airplane mode. I don't want  
5 to be disturbed. It is for like checking the  
6 time.

7 Q. And where are you physically located  
8 at the moment?

9 A. San Jose.

10 Q. Where in San Jose? Where are you?

11 A. Metro Drive, San Jose.

12 Q. Is that an office? Is it your  
13 residence?

14 A. It is very close to my office.

15 Q. Very close to your office. Is it  
16 where you live?

17 A. I live in Sacramento, but I work in  
18 San Jose.

19 Q. So where, that is not your office and  
20 not your home, are you right now?

21 A. So I'm in -- I have a small place  
22 here. So because I commute every week, so I

1           have a small place here. So I'm there right  
2           now.

3           Q.    Is there anyone else there with you?

4           A.    No.

5           Q.    Are you in communication with anyone  
6           via any means, other than those of us on this  
7           Zoom?

8           A.    No.

9           Q.    I want to ask you a little about your  
10          work experience. What was your first job?

11          A.    So I worked at Mistral Affair,  
12          M-I-S-T-R-A-L, Mistral Affair, Bangalore. It's  
13          a software company.

14          Q.    And what was your role at Mistral?

15          A.    I was a test engineer. I was testing  
16          a protocol called UWB protocol, which is  
17          similar to Bluetooth.

18          Q.    What do you mean by that, similar to  
19          Bluetooth?

20          A.    It is a close-range protocol. So  
21          communication between mobile-to-mobile or any  
22          device that like transferring files between

1       peers, like, say, person A was standing next to  
2       person B, things like that. It's a wireless  
3       protocol. And it's similar. So once the file  
4       is transferred, my job was to check if it is --  
5       if the file -- received file and the  
6       transferred file are the same, or if they are  
7       not the same, how different they are, are there  
8       any error beds. In short, it's a short range,  
9       communication protocol.

10           Q.    When were you first hired for that  
11       role at Mistral?

12           A.    It was 2005 January.

13           Q.    Was test engineer the only role you  
14       had at Mistral?

15           A.    Yes.

16           Q.    How long were you in that position?

17           A.    I was there till August of 2005.

18           Q.    What did you do after that?

19           A.    I joined Infosys. It's another  
20       software company.

21           Q.    In August 2005?

22           A.    No, in November.

1 Q. What was your role at Infosys?

2 A. I was again a test engineer. Yeah,  
3 software test engineer.

4 Q. And what were you testing?

5 A. I was primarily testing the banking  
6 software server performance.

7 Q. You said banking software?

8 A. Banking software and server  
9 performance.

10 Q. Server performance.

11 A. Application server performance.

12 Q. Can you give me a little bit more  
13 specificity there when you say banking  
14 software? What kind of software were you  
15 working on?

16 A. So it was a banking software. To go  
17 a little more deeper into it, it's like what we  
18 use on our every day banking, to transfer  
19 money, and I tested the security associated  
20 with it, also the server performance and  
21 networking, like the whole implementation of  
22 the client server architecture testing that --

1           how the communication happens between the  
2           client and server, such things. So there were  
3           test cases that I was supposed to design and  
4           then test them.

5           Q. Did you work on closed circuit or  
6           nearby communication protocols when you were at  
7           Infosys as well?

8           A. No.

9           Q. So you didn't do any work on  
10          Bluetooth or similar technologies while you  
11          were at Infosys?

12          A. Not short-range communication, but in  
13          more -- more like server, client server  
14          communication.

15          Q. Your focus -- is it fair to say your  
16          focus was on software and not hardware?

17          A. At Infosys it was software. At  
18          Mistral it was hardware and software.

19          Q. How long were you in that position?

20          A. With Infosys about eight months,  
21          seven months.

22          Q. And did you have any other roles at

1 Infosys?

2 A. I was the lead engineer there. That  
3 is it. So that required me to get some more,  
4 like speak with some other -- other teams  
5 and...

6 Q. What do you mean by that?

7 A. So parallel teams will be -- so at  
8 any meetings and because they have their own  
9 deliverables before the testing should take  
10 up -- testing, so if they finished the  
11 development, the test teams will take up  
12 testing. So things like that. Yeah.

13 Q. When did you leave Infosys?

14 A. Just before I got an admit from the  
15 University of Maryland, July 2006.

16 Q. So what did you do after July 2006?

17 A. I came to the U.S. for my master's.

18 Q. How long were you in your master's  
19 program in the U.S.?

20 A. Till August 2008.

21 Q. Did you work while you were studying  
22 at Maryland?

1 A. Yes, I did.

2 Q. What did you do?

3 A. I was the network administrator for  
4 the university counseling center, so --

5 Q. Of the University of Maryland?

6 A. Yes. And web developer there.

7 Q. Did you do that during your entire  
8 two years of study?

9 A. Not entire two years. After a year I  
10 think I started there, yeah. So from June 2007  
11 to May of 2008.

12 Q. You got your degree, you said, in  
13 August of 2008?

14 A. Yeah.

15 Q. What did you do after that?

16 A. After that I joined Caritor. Oh, I  
17 also interned at Ericsson.

18 Q. When did you intern at Ericsson?

19 A. June to September.

20 Q. Of which year?

21 A. 2008. Soon after I graduated.

22 Q. What did you do in your internship at

1 Ericsson?

2 A. So they had -- it was a small stint.  
3 My job was to organize the internal documents  
4 so that they are more easily accessible.

5 Q. What did that entail?

6 A. So they have a lot of the --  
7 Ericsson's GSM network documentations. So like  
8 if you go on website, you have to organize the  
9 documents in a certain way that is more  
10 intuitive. Like, all the documents pertaining  
11 to the GSM network per se should go into a  
12 single folder. It is more like a bookkeeping  
13 and organization. And also in that process, I  
14 also learned tools like Rational Robot and  
15 Rationale ClearQuest. They are test tools.

16 Q. Was that internship a paid position?

17 A. Yes.

18 Q. What did you do after that?

19 A. After that I got a job at Airvana.  
20 It was based in Chelmsford, Massachusetts. I  
21 was a test engineer there.

22 Q. When did you start at -- sorry, you

1           said -- what was the name of the company?

2           A.    Airvana. A-I-R-V-A-N-A.

3           Q.    And when did you start at Airvana?

4           A.    October of 2008.

5           Q.    As a test engineer?

6           A.    Yes.   Systems test engineer.

7           Q.    And what were you testing, other than  
8           systems?

9           A.    My primary job was to test the  
10          system, so systems --

11          Q.    What system?

12          A.    So EV-DO, RNC system, it's a  
13          telecommunication -- RNC basically your 3G, 4G  
14          systems. So the RNC is what sits in the base  
15          station. We used to make boards that go in the  
16          base station, and then the software that goes  
17          on that, so how much capacity it can withstand,  
18          how many users it can support at a single time,  
19          a system capacity test.

20          Q.    Did you ever physically make any of  
21          those boards?

22          A.    My company did, yes.

1 Q. Did you yourself?

2 A. My job was to do the testing on the  
3 boards. Not designing those boards.

4 Q. How long were you in that position?

5 A. I was there till May of 2010.

6 Q. And did you have the same  
7 responsibilities throughout the almost two  
8 years that you were at Airvana?

9 A. Yes. Mostly, yes.

10 Q. What did you do after May of 2010?

11 A. I joined Qualcomm in San Diego.

12 Q. And when did you start at Qualcomm?

13 A. Qualcomm I started in July 2010.

14 Q. What was your role at Qualcomm?

15 A. My role at Qualcomm was, again,  
16 systems test engineer, write test trips, test  
17 reports, test plans, on various wireless  
18 communications -- communication, like including  
19 but not limited to Bluetooth.

20 Q. I'm sorry to interrupt. Would you  
21 please list for me the wireless protocols that  
22 you tested at Qualcomm?

1           A.    Sure.  LTE, UMTS, EV-DO, Wi-Fi,  
2           Bluetooth.  Yeah.  Those are the wireless  
3           technologies.  Then there are SIP, S-I-P.  What  
4           else?

5           Q.    Did you ever work or test UMB, Ultra  
6           Mobile Broadband?

7           A.    UMB?  It's UMTS.

8           Q.    Yeah.

9           A.    UMTS.

10          Q.    With respect to Wi-Fi, did you ever  
11          test WiMAX?

12          A.    WiMAX, I did do that, yes.

13          Q.    At Qualcomm?

14          A.    Yes.  Not substantially, but I did do  
15          that.

16          Q.    How long were you at Qualcomm?

17          A.    Qualcomm I was there 2014 December.  
18          December of 2014.

19          Q.    What did you do after December 2014?

20          A.    So I tried to get more expertise on  
21          the data side and on the monetization of the  
22          AdTech and all that.

1 Q. You said you wanted to get more  
2 experience with the data side. What do you  
3 mean by that?

4 A. The data side is the data signs,  
5 machine learning, data cleaning, data analysis,  
6 exploratory data analysis, prediction. So I  
7 invested time there for a couple of years. And  
8 I also headed a start-up in India.

9 Q. You said you invested some time there  
10 for a couple of years. What do you mean by  
11 that?

12 A. I got certifications, R  
13 certification. I got Tableau certification.  
14 Yes.

15 Q. Any other certifications?

16 A. Exploratory data analysis  
17 certification. Cleaning data certification.  
18 Yeah.

19 Q. You mentioned a start-up in India.

20 A. It's not --

21 Q. Explain that to me.

22 A. It was not -- nothing substantial.

1 Just held start-up to also look into these new  
2 fields, new technologies which were coming up  
3 at that time.

4 Q. What was the name of the start-up?

5 A. So I don't quite recall it. I mean,  
6 it was -- I don't recall. I don't want to say  
7 something that is incorrect.

8 Q. That's okay. What field was the  
9 start-up in?

10 A. So like AdTech.

11 Q. And what do you mean by that?

12 A. AdTech is basically using the profile  
13 data of a person to display ads on its mobile  
14 phone.

15 Q. Is that start-up still in existence?

16 A. I don't know actually. I haven't  
17 spoken to them for a long time. I haven't...

18 Q. When you say "them", who is them?

19 A. Sorry.

20 Q. When you say "them", who is them?

21 A. It is my friend's start-up at that  
22 time. I have lost touch with him.

1 Q. Can you tell me your friend's name?

2 A. Yeah.

3 Q. What is your friend's name?

4 A. Venno.

5 Q. Last name?

6 A. Venno Jopal, V-E-N-U-J-O-P-A-L. It  
7 was a long time ago, so I don't quite  
8 recollect.

9 Q. And how long were you doing these two  
10 roles?

11 A. What two roles?

12 Q. Getting your certifications and  
13 assisting the start-up.

14 A. Assisting the start-up was very  
15 brief, like three, four times I discussed with  
16 them. That's about it. But primarily, my  
17 focus was to improve my skill set.

18 Q. And how long were you working on  
19 improving your skill set?

20 A. Two years.

21 Q. To December of 2016?

22 A. So 2015, the whole of 2015 and whole

1 of 2016.

2 Q. And what did you do after 2016?

3 A. I joined Cinarra Systems, which later  
4 got acquired by SoftBank.

5 Q. When did you join Cinarra?

6 A. March of 2017.

7 Q. What was your role?

8 A. My role there is senior data  
9 analysis.

10 Q. What kind of data were you analyzing?

11 A. Say that again.

12 Q. What kind of data were you analyzing?

13 A. All kinds of data, like AdTech data,  
14 wireless data, profile database, making  
15 profiles of the user, the location data. Yeah,  
16 that is about it.

17 Q. Were -- was your focus on design,  
18 implementation or testing?

19 A. It depends on the project. So I have  
20 been involved with testing. I have been  
21 involved with designing. Yeah.

22 Q. I'm asking specifically about your

1 time at Cinarra, what was your --

2 A. Yeah, yeah. So because it's since  
3 2017 I'm there, at various stages I have done  
4 all of them. Like analysis, design,  
5 implementation, execution, all of that.

6 Q. How long were you at Cinarra?

7 A. Oh, I'm still working at Cinarra.

8 Q. You said it was acquired by who?

9 A. SoftBank.

10 Q. Sorry?

11 A. SoftBank.

12 Q. SoftBank. So you're still in that  
13 role?

14 A. Yes.

15 I have one request. So I like to  
16 take a break every hour, five, 10 minutes.

17 Q. I was planning on doing the same.  
18 Certainly, if at any point you want to take a  
19 break, just let me know. The only thing I will  
20 ask is if I have a question pending to you,  
21 that you answer the question before we take a  
22 break.

1                   Would you like to take a break right  
2                   now? I know it is your first deposition and we  
3                   have been going for 30 minutes. We can take a  
4                   couple minutes.

5                   THE WITNESS: All right.

6                   MR. BONILLA: Let's go off the record  
7                   for a few minutes.

8                   (Thereupon, a brief recess was taken.)

9       BY MR. BONILLA:

10                  Q. Are you a member of any professional  
11                  organizations?

12                  A. Can you explain more.

13                  Q. Sure. Things like the Professional  
14                  Society of Engineers, or the International  
15                  Standard Setting Organization, IRC, things like  
16                  that.

17                  A. Not currently.

18                  Q. Have you ever been a member of a  
19                  professional organization?

20                  A. I used to be a member of ISA,  
21                  Instrumentation Association Society.

22                  Q. And when were you a member of that

1 organization?

2 A. When I was doing my bachelor's back  
3 in 2004, 2003, 2004.

4 Q. Was it just 2003 or 2004?

5 A. Yeah.

6 Q. And did you hold any leadership  
7 positions within the organization?

8 A. No. I was a member. That's it.

9 Q. Have you been a member of any  
10 professional organizations?

11 A. No. I don't recall.

12 Q. Are you aware if you're listed as an  
13 inventor on any US patents?

14 A. No.

15 Q. Have you ever -- sorry, go ahead.

16 A. I wish.

17 Q. Have you ever applied for a US  
18 patent?

19 A. No.

20 Q. So what I'm going to do here is I'm  
21 going to drop into the chat our first, of what  
22 I hope be, very few exhibits.

1 (Thereupon, Exhibit 1 was marked for  
2 identification.)

3 BY MR. BONILLA:

4 Q. Can you see that exhibit?

5 A. Exhibit 2001?

6 Q. Yes. Can you please open that.

7 And Mr. Vazquez, can you see this as  
8 well.

9 MR. VAZQUEZ: I can.

10 MR. BONILLA: Ms. Court Reporter, are  
11 you good too?

12 THE REPORTER: Yes.

13 Q. You have this document Exhibit 2001  
14 in front of you?

15 A. Exhibit 2001?

16 Q. It's a document that bears the,  
17 "Declaration of Pavan Gajendragad".

18 A. Yes, Final Pavan Gajendragad  
19 Declaration.

20 Q. That is the title of the file;  
21 correct?

22 A. Yes.

1 Q. Do you recognize this document?

2 A. Yes.

3 Q. How do you recognize it?

4 A. It is my document.

5 Q. And is that your signature on the  
6 front of it?

7 A. Yes, it's mine.

8 Q. Is it your declaration prepared and  
9 submitted in the three IPR proceedings listed  
10 on the front first page?

11 A. Yes.

12 Q. And I understand that this same  
13 declaration was submitted in all three of the  
14 '757, '759, and '760 proceedings; correct?

15 A. Yes.

16 Q. Is it fair to say that your opinions,  
17 as reflected in this document, are the same  
18 across all three of those IPR proceedings?

19 A. Yes.

20 Q. Did you write this document?

21 A. Largely, yes.

22 Q. Sorry?

1           A.    I mean, my counsel helped me a little  
2           bit.

3           Q.    Can you just tell me that process,  
4           how did this document come to be?

5           A.    So I would -- I would read up the  
6           patents and I worked with my counsel to  
7           establish a process for fine tuning it and  
8           using the proper language and all. Yeah.

9           Q.    The first draft of this document, who  
10          prepared that?

11          A.    The first draft, I don't recall the  
12          first draft. I have my notes. Yeah.

13          Q.    You don't recall who prepared the  
14          first draft?

15          A.    The first draft I think I gave my  
16          notes like I had made a lot of notes on --

17          Q.    And just to be clear, I don't want to  
18          know what you shared with counsel and what they  
19          shared with you in preparing the draft. I just  
20          want to know who created the first one, if you  
21          can recall it.

22          A.    I think it is my counsel's call, I

1 think.

2 Q. Do you have an understanding of what  
3 an inter partes review is?

4 A. I think I do, but if you can  
5 elaborate, I would appreciate that.

6 Q. I actually would like to know what  
7 your understanding of an inter partes review  
8 is.

9 A. So basically to review all the  
10 patents and see if -- if the -- if that  
11 invalidation -- like at the PTAB there is --  
12 like to invalidate a patent, is that accurate  
13 argument, things like that. Yeah.

14 Q. And so what did you understand your  
15 -- what do you understand your role to be in  
16 these three inter partes review proceedings?

17 A. So to show the glaring shortcomings  
18 of the argument put forth by the petitioner.

19 Q. And is it only to show the glaring  
20 shortcomings?

21 A. Largely.

22 Q. What do you mean by that?

1           A.    It's not like going into  
2           implementation details. Not like trying to see  
3           -- trying to make it work or like it's --  
4           somehow it's like trying to see if what are the  
5           shortcomings in the argument. If, like say,  
6           two different patents can be combined to  
7           achieve what CellSpin has achieved. What is --  
8           if it was obvious back in 2007 or 2008, if this  
9           could be done generally speaking, yeah. So  
10          that is -- that is what I understand.

11          Q.    So I want to be fair to you. You  
12          said "make it work." What did you mean by  
13          that?

14          A.    So make it work, let me take a moment  
15          to think and --

16          Q.    Please take your time.

17          A.    To see if it was obvious for these --  
18          combining these two patents and make it work.  
19          So that was my line of thought.

20          Q.    Have you seen the patent owner's  
21          responses in these three proceedings?

22          A.    Yes.

1 Q. Did you help in preparing the  
2 responses, the patent owner responses in these  
3 three proceedings?

4 A. I prepared them myself.

5 Q. You mean you prepared the patent  
6 owner response or your declaration?

7 A. My declaration.

8 Q. What I'm going to do is I'm going to  
9 put in the chat another document, and we are  
10 going to look at these concurrently, if you  
11 don't mind. So I'm going to drop this now into  
12 the chat.

13 If everyone can just let me know when  
14 you've accessed it and are able to view it.  
15 The file name starts -00757.

16 A. 0057?

17 Q. You have that document open in front  
18 of you?

19 A. Yes.

20 MR. BONILLA: Does our court reporter  
21 have access to it as well?

22 THE REPORTER: Yes.

1           Q.    I'm going to share my screen so we  
2           are all looking at the same thing. Give me one  
3           moment, because I always forget how I'm  
4           supposed to do that.

5                   Can you see my screen?

6           A.    Yes.

7           Q.    You see this document, and at the top  
8           it bears United Patent and Trademark Office?

9           A.    Yes.

10          Q.    And the bottom there's a bolded and  
11          underlined portion that says, "Patent Owner  
12          Response."

13          A.    Yes.

14          Q.    I will represent to you that this is  
15          the patent owner or CellSpin's response to the  
16          petition for inter partes review in IPR  
17          2024-00757.

18                   Do you see that?

19          A.    Yes.

20          Q.    It refers to US patent  
21          number 8,756,336B2; correct?

22          A.    That is right.

1 Q. Do you mind if we refer to this  
2 patent as the '336 patent?

3 A. Yes, we can do that.

4 Q. Are you familiar with the '336  
5 patent?

6 A. Yes, I am.

7 Q. What does the '336 patent direct to?

8 A. It talks about segmentation at the  
9 application layer.

10 Q. Segmentation and the application of  
11 data?

12 A. Segmentation done at the application  
13 layer.

14 Q. Segmentation done at the application  
15 layer. Segmentation of what?

16 A. Segmentation of payload.  
17 Segmentation of data. Segmentation of image  
18 files.

19 Q. Those three things, payload, data,  
20 image files, are those synonymous in your mind?

21 A. No.

22 Q. What's the difference between each of

1           those three things?

2           A.    It depends.

3           Q.    It depends on what?

4           A.    Payload, file is different. File is  
5           the intact data but file -- so the data --  
6           fragments of file can be data. And what is  
7           sent in a package is the payload.

8           Q.    And how does payload or data, as you  
9           just defined them, differ from image file?

10          A.    Image file is made up of data, of  
11          course. But it does -- image file has file  
12          error, end of file, all of that. Data is just  
13          plain payload.

14          Q.    So data and payload are synonymous?

15          A.    No, no. I didn't say that. I did  
16          not mean that, rather. A network packet, the  
17          data a network packet carries is called a  
18          payload. And a data is split, as in like -- an  
19          image file is split into segments of data.

20                (Thereupon, Exhibit 2 was marked for  
21                identification.)

22

1 BY MR. BONILLA:

2 Q. Turning to this document, Exhibit 2  
3 that is on the screen right now. Have you seen  
4 this document before? And if you need me to  
5 scroll down, I can do that. Would you like me  
6 to?

7 A. Yes, please do.

8 Q. Let me know if you want me to scroll  
9 some more, but the question is: Have you seen  
10 this document before?

11 A. Yes. I have seen this document.

12 Q. Did you assist in the preparation of  
13 this document?

14 A. This is patent owner's response.

15 Q. I will go scroll up to the cover  
16 page.

17 A. This is not mine. This is patent  
18 owner's response.

19 Q. Correct. Did you assist in the  
20 preparation of the patent owner's response?

21 A. No, no, no.

22 Q. You did not?

1 A. No.

2 Q. But you have seen this document  
3 before?

4 A. Yeah.

5 Q. You understand this document relies  
6 on your declaration in its arguments?

7 A. Yes.

8 Q. I'm going scroll down --  
9 (crosstalk)

10 A. -- I think had used this. Yeah.

11 Q. We are going to scroll down to  
12 page 11 of the patent owner response. I'm  
13 going to highlight this right here. You see  
14 the sentence I've highlighted?

15 A. Uh-huh.

16 Q. It reads, "Indeed, Dr. Gajendragad  
17 expressly disagrees with the suggestion that  
18 the plain and ordinary meaning of along with  
19 could include inside."

20 A. Uh-huh.

21 Q. Did I read that correctly?

22 A. Yes. That is right.

1 Q. Do you agree with that statement?

2 A. Yes, I do.

3 Q. Is there anything inaccurate about  
4 that statement?

5 A. No. That is in my report.

6 Q. I'm going to scroll us down to page  
7 13 of Exhibit 2. And I'm highlighting another  
8 sentence. You see that?

9 A. "As confirmed by Dr. Gajendragad, a  
10 POSITA would have likewise understood  
11 application there to have this defined  
12 meaning." Okay.

13 Q. Do you agree with that statement?

14 A. I stand by my report. Can we see  
15 that word, what it means.

16 Q. We can in a moment, but that  
17 statement, as stated, is there anything,  
18 sitting here today as you're looking at it,  
19 that is inaccurate about that statement?

20 A. The only thing is Dr., I'm not a  
21 doctor. That is the typo. But apart from  
22 that, I stand by my report.

1 Q. So the patent owner response refers  
2 to you as Dr. Gajendragad four times. You're  
3 saying that that is inaccurate?

4 A. I don't have a Ph.D.

5 Q. So you're not a doctor?

6 A. Yes.

7 Q. I should refer to you as Mr.  
8 Gajendragad?

9 A. Sure.

10 Q. I'm going to take us back to  
11 Exhibit 1. This is your declaration; correct?

12 A. That's a typo.

13 Q. Sorry?

14 A. That is a typo.

15 Q. Oh, the Dr. instead of Mr. is a typo?

16 A. Yeah.

17 Q. You mean typographical error?

18 A. Yes.

19 Q. So we are going to go into your  
20 declaration. We were going to come down --  
21 sorry, go ahead.

22 A. No. I said, yes. Okay.

1           Q.    In paragraph 2, you have the  
2           paragraph that starts with, "I am informed and  
3           understand that."

4                   Do you see that?

5           A.    Uh-huh.

6           Q.    By whom were you informed?

7           A.    By my counsel.

8           Q.    Anyone else?

9           A.    No other -- none other than my  
10          counsel.

11          Q.    When you were referring to my  
12          counsel, who are you referring to?

13          A.    Scott, Rene.

14          Q.    Is that Scott Fuller?

15          A.    Yes.

16          Q.    And Rene Vazquez?

17          A.    Rene Vazquez, yes.

18          Q.    Anyone else?

19          A.    To the best of my knowledge, the only  
20          two people.

21          Q.    Have you ever spoken to -- you  
22          referred earlier to Gurvinder Singh; correct?

1 A. Yes.

2 Q. And you called him Bobby?

3 A. Yes.

4 Q. Would you consider Bobby to be a  
5 friend of yours?

6 A. I mean, we were colleagues back in  
7 the day. And he reached out to me sometime in  
8 the late October.

9 Q. Would you consider Mr. Singh to be a  
10 friend today?

11 A. Yeah.

12 Q. Have you ever spoken to Mr. Randall  
13 Garteiser?

14 A. Randall Garteiser, maybe. Yeah.

15 Q. When you say "maybe", what are you  
16 thinking of?

17 A. On the phone, I think I spoke to him  
18 once.

19 Q. He sometimes goes by Randy.

20 A. Yeah.

21 Q. So you have spoken to Randy?

22 A. Yeah.

1 Q. Did you speak to Mr. Garteiser,  
2 Mr. Fuller or Mr. Vazquez in preparing your  
3 declaration in these proceedings?

4 A. Not in these proceedings, but in my  
5 report. Yeah.

6 Q. So we are looking right now at your  
7 declaration or your report; correct?

8 A. Uh-huh.

9 Q. And those three gentlemen, you spoke  
10 with them in assisting you to prepare this  
11 declaration; is that fair?

12 Again, to be clear, I don't want to  
13 know what you talked about. I just want to  
14 know if you spoke with them in preparing your  
15 report.

16 A. Yeah. In preparing my report, I did  
17 speak with them.

18 Q. Did you speak with Mr. Singh in  
19 preparing your report?

20 A. He was on initially when all the  
21 documents were given to me, initially he was on  
22 the call as well.

1 Q. Did you rely on Mr. Singh in forming  
2 any of your opinions in these proceedings?

3 A. No. These are completely mine.

4 Q. When it says here in paragraph 2, I  
5 am informed and understand that, who informed  
6 you?

7 A. The counsel, Rene, Scott.

8 Q. Those are your primary contacts?

9 A. Yes.

10 Q. In paragraph 3 -- I'm just scrolling  
11 down a little bit here, in Exhibit 1 --  
12 paragraph 3 you state, that a true and correct  
13 copy of my resume is attached as Exhibit A.

14 Do you see that?

15 A. Yes. Yes.

16 Q. If Exhibit A is not attached to this  
17 document, is there any other way we -- by we I  
18 mean petitioner -- would be able to access it?

19 A. I mean, these days you have a lot of  
20 ways to access it, as in like you have my  
21 online profile. You can go --

22 Q. When you say online profile, where

1 would that be located?

2 A. LinkedIn. Yeah.

3 Q. Anywhere else other than LinkedIn?

4 A. Not in this detail about my  
5 education, nowhere else.

6 Q. What do you mean by this detail?

7 A. Like where I did my master's, where  
8 I'm currently working. What are my expertise.  
9 What -- which protocols I worked on. All of  
10 those details.

11 Q. All of those details are listed in  
12 your resume?

13 A. I think so.

14 Q. And is this resume that is referred  
15 to here as Exhibit A, is that the document that  
16 you have in front of you right now?

17 A. Yeah.

18 Q. I'm going to continue scrolling down  
19 to paragraph 7, which is under a sub-heading,  
20 or heading titled, Information Considered.

21 Do you see that?

22 A. Titled 7, in preparing this written

1 report --

2 Q. I mean, on the screen right now you  
3 can see paragraphs 7 through 12 in your  
4 declaration; correct?

5 A. Yes.

6 Q. And these are the materials that you  
7 considered in forming your opinions for this  
8 case?

9 A. Yes.

10 Q. Other than what is listed here, is  
11 there anything else that you relied on in  
12 forming your opinions for these proceedings?

13 A. To the best of my ability, I've  
14 listed everything.

15 Q. So if it is not listed here, we are  
16 safe to assume you did not consider it in  
17 forming your opinions?

18 A. More or less, I think, yeah.

19 Q. What makes you say more or less?

20 A. I have taken great care in listing  
21 all the sources that I'm quoting, and all the  
22 snippets that I put in my report. I have taken

1 great care to put all the references there,  
2 where that is coming from, all of that. So I  
3 think this is accurate.

4 Q. In paragraph 11, you note that one of  
5 the things you considered is the Court's claim  
6 construction procedures and status as have been  
7 explained to me by counsel and as discussed  
8 below.

9 Do you see that?

10 A. The Court's claim construction  
11 procedures and status as have been explained to  
12 me by counsel. Yes, I see that. Yes.

13 Q. Other than what they explained to you  
14 about the claim construction procedures and  
15 status, did you perform any independent  
16 analysis of the claim construction procedures  
17 and status in this matter?

18 A. Independent -- I looked at some  
19 dictionaries and some other sources.

20 Q. What other sources? You said  
21 dictionaries and other sources, what other  
22 sources?

1           A.    I think I should have listed like the  
2           Cisco CCNA book.  It is there in my report  
3           actually.  All of those -- all the places where  
4           I put the snippets and where I put everything,  
5           it's there in my report.

6           Q.    So all the other sources, if you  
7           relied on it, it is listed in your declaration?

8           A.    Yes.

9           Q.    If it's not in your declaration, you  
10          didn't rely on that?

11          A.    Yes.  You can say that.  Yes.

12          Q.    Are you aware that there is a pending  
13          district court litigation between CellSpin and  
14          the petitioner?

15          A.    CellSpin and petitioner, district  
16          court litigation, yes, I'm aware of it.

17          Q.    Did you review any of the pleadings  
18          or filings in that district court litigation in  
19          forming your opinions for this case?

20          A.    No.  I just know that there's  
21          something going on.  I haven't -- haven't taken  
22          any time to do that, to investigate what is

1           that. Yeah.

2           Q.    Let's scroll down a little bit to  
3           paragraph 14.

4           A.    I'm a technical guy.

5           Q.    What do you mean by that?

6           A.    Like, I'm not -- I like technology.  
7           I like to read, keep myself abreast with the  
8           latest and -- in the technology. Not so much  
9           inclined on the cases.

10          Q.    You mean you're not a lawyer?

11          A.    Yeah, basically.

12          Q.    Okay.

13          A.    Yeah, that is the right way to put  
14          it, I guess.

15          Q.    So in this section that we are  
16          looking at right now, it is section three,  
17          legal framework. As you said, you're not an  
18          attorney. You're not a lawyer. Where did your  
19          understanding of the legal framework come from?

20          A.    So Scott and Rene, we had a couple of  
21          calls, and that's it. Yeah.

22          Q.    So counsel explained the legal

1 framework to you?

2 A. Yeah.

3 Q. The portion of this report that says  
4 legal framework, is it fair to say you didn't  
5 actually draft this yourself?

6 A. I mean, I stand by my report.

7 Q. Let me ask you a more specific  
8 question. So in paragraph 14, you have, in the  
9 second line of that paragraph, The so-called  
10 open quote, pre-AIA, closed quote, versions.

11 Do you see that?

12 A. Uh-huh.

13 Q. What does AIA mean in that context?

14 A. AIA I know is some law changed in 20-  
15 -- I had read about it, I think 2014/2013  
16 maybe. And so we have to abide by that, yeah.

17 Q. Why?

18 A. Why?

19 MR. VAZQUEZ: I'm going to object as  
20 to calling for a legal conclusion here.

21 BY MR. BONILLA:

22 Q. You can still answer, Mr.

1 Gajendragad.

2 A. So I mean, these patents were given  
3 to CellSpin a year to 2013. So prior to 2013,  
4 the patents were given to CellSpin, so with the  
5 priority date of '07. So with that said, I  
6 think -- I think it's fair to -- and the law is  
7 from 2013. So yeah, I guess, I'm not a lawyer  
8 or anything so, yeah.

9 Q. Does the fact that you were informed  
10 that you needed to apply the pre-AIA versions  
11 of the patent statutes affect your opinions in  
12 the case at all?

13 A. No.

14 Q. I'm going to scroll down a little bit  
15 to paragraph 17. You see there it says -- I'm  
16 going to highlight it. It says, I am informed  
17 and understand that a claim is invalid as  
18 anticipated.

19 Did I read that correctly?

20 A. Informed and understand that a claim  
21 is invalid as anticipated. Okay.

22 Q. Do you understand the petitioner in

1           these three proceedings to be arguing that any  
2           claim is invalid as anticipated?

3           A.    No.

4           Q.    Why is this paragraph in your  
5           declaration?

6           A.    I mean, I think it is just to make  
7           sure I think.  So -- so it is in combination  
8           with, so it is -- yeah.  So 102 does not apply  
9           in this AI.

10          Q.    So why include a paragraph discussing  
11          section 102 or 102?

12          A.    Section 102, just to ensure, just to  
13          make sure that 102 is not applied here, and 103  
14          is applied.

15          Q.    So is that why you have included this  
16          highlighted sentence, There is no allegation  
17          that any asserted claim is allegedly  
18          anticipated by any single reference under 35  
19          USC Section 102?

20          A.    Yes.  Yes.

21          Q.    We are going to scroll down some  
22          more.  You see paragraph 22 here on the screen

1 in Exhibit 1?

2 A. Uh-huh.

3 Q. For our court reporter's sanity,  
4 please give me a "yes" or "no"?

5 A. Yes. Yes.

6 Q. Thank you.

7 So in paragraph 22 you note that, I  
8 am further advised and understand that  
9 references may be combined only when there is  
10 an established design need or market pressure  
11 to solve a problem.

12 Do you see that?

13 A. Yes.

14 Q. What does that mean?

15 MR. VAZQUEZ: Objection. Calls for a  
16 legal conclusion.

17 BY MR. BONILLA:

18 Q. You can still answer, Mr.  
19 Gajendragad. Mr. Vazquez is going to make  
20 objections as we go through on the record.  
21 Unless he instructs you not to answer, you do  
22 have to answer the question.

1           A.    Only when there is established design  
2           need or market pressure to solve a problem.  It  
3           is kind of self-explanatory.  It's what it  
4           means.

5           Q.    Well, the next clause says, And there  
6           are a finite number of identified predictable  
7           solutions, and which are easily traversed.

8                   Do you see that?

9           A.    Uh-huh, I see that.

10          Q.    What does that mean?

11          A.    Finite number of identified  
12          predictable solutions, and which are easily  
13          traversed.  Like it is self-explanatory.

14          Q.    You're saying it means what it says?

15          A.    Yes.

16          Q.    So is it your understanding that for  
17          references to be combined, all three of these  
18          clauses must be met?

19                   MR. VAZQUEZ:  Objection.  Calls for a  
20                   legal conclusion.

21                   THE WITNESS:  I'm not a lawyer, so...

22          Q.    I understand, but you've provided

1           some opinions here about obviousness; correct?

2           A.    Yes.

3           Q.    And those opinions are based on what  
4           you have been advised is the state of the law;  
5           correct?

6           A.    Yes.

7           Q.    I'm just asking if your understanding  
8           of the state of the law is that those three  
9           things must be met in order for references to  
10          be combined for obviousness purposes?

11                   MR. VAZQUEZ:  Objection.  Calls for a  
12           legal conclusion.

13                   THE WITNESS:  Sure.

14           Q.    Again, I want to be fair to you.  
15           Sure or yes?

16           A.    None of the combinations give out a  
17           workable solution and does not make it obvious  
18           when you're reading through and don't provide  
19           alternative workable solution like it's  
20           claimed.

21           Q.    Mr. Gajendragad, that is not quite  
22           the question that I'm asking.  Let's make it

1 even more narrow.

2 A. Okay.

3 Q. You see this "and"? "Yes" or "no"?

4 You see the "and"?

5 A. Yes.

6 Q. You see this "and" as well?

7 A. Uh-huh.

8 Q. Sorry, "yes" or "no"?

9 A. Yes, yes, I see the "and".

10 Q. Are those conjunctive or disjunctive?

11 A. Are those conjunctive or disjunctive?

12 Conjunctive. It depends. Conjunctive.

13 Q. These are conjunctive. So all three

14 of these statements that you make, an

15 established design, need or market pressure,

16 finite number of identified predictable

17 solutions, and easily traversed, those three

18 things must exist for one to combine references

19 for purposes of obviousness? Is that your

20 understanding of the state of law?

21 MR. VAZQUEZ: Objection. Calls for a

22 legal conclusion.

1 THE WITNESS: It depends.

2 Q. Depends on what?

3 A. Depends on what we are trying to do,  
4 what we are trying to achieve.

5 Q. Well, how about what you're trying to  
6 do in including this language in your  
7 declaration?

8 A. I stand by my report.

9 Q. So you wrote this sentence that I've  
10 highlighted here, the first sentence of  
11 paragraph 22? You stand by that statement?

12 A. Yes. Me and my counsel together.  
13 Yeah.

14 Q. You and your counsel together.

15 A. Yeah.

16 Q. In this paragraph in the sentence I  
17 highlighted -- sorry, go ahead.

18 A. Some of the wordings like language  
19 counsel --

20 Q. Some of the language what?

21 A. Counsel helped me write this report.

22 Q. I understand that. You've adopted

1           this sentence that I've highlighted here in  
2           paragraph 22 of Exhibit 1. That is a part of  
3           your opinion; correct?

4           A.    Yes.

5           Q.    I just want to know if when you wrote  
6           this and adopted it as your opinion, if that  
7           means these three things you've identified in  
8           this paragraph, in this sentence, are necessary  
9           for one to be able to combine references for  
10          purposes of obviousness?

11                   MR. VAZQUEZ: Objection. Calls for  
12                   legal conclusion.

13                   THE WITNESS: It depends.

14 BY MR. BONILLA:

15           Q.    Mr. Gajendragad, you keep saying it  
16           depends, but depends on what? Because we  
17           are -- I'm looking at -- this your report;  
18           correct?

19           A.    Right. It depends on the scenario  
20           what we are trying --

21           Q.    In the scenario of paragraph 22, is  
22           the answer, yes, you need all three, or no, you

1 can have one, two or three of them?

2 A. Only when there's established design  
3 need or market pressure to solve a problem, and  
4 finite (sotto voce) -- in some cases you need  
5 all three of them.

6 Q. Are you saying there are some cases  
7 where you don't need all three of them?

8 A. Yes.

9 Q. With respect to petitioner's argument  
10 in these three proceedings, did you form your  
11 opinions believing that all three conditions  
12 needed to be met or not?

13 A. Market pressure to solve -- not all.

14 Q. Sorry, not all what?

15 A. Not all of them. Not all of them.  
16 Not all three.

17 Q. So in the context of petitioner's  
18 obviousness arguments, in these three  
19 proceedings --

20 A. Uh-huh.

21 Q. -- and you forming your opinions  
22 about those arguments, you did not believe that

1 all three of these conditions must be met in  
2 order for references to be combined?

3 MR. VAZQUEZ: Objection.

4 Mischaracterizes prior testimony.

5 THE WITNESS: Can you please repeat  
6 the question.

7 Q. Yeah. In the context of petitioner's  
8 arguments regarding obviousness in these three  
9 proceedings, and you forming your opinions  
10 regarding those arguments, is it true that you  
11 did not believe that for the references  
12 referred to by the petitioner to be combined,  
13 they did not have to meet all three of these  
14 conditions?

15 MR. VAZQUEZ: Same objection.

16 THE WITNESS: They don't have to meet  
17 all three.

18 Q. Okay. And you formed your opinions  
19 based on that understanding of this statement?

20 A. Yes.

21 Q. All right. I'm going to scroll down  
22 to page 9 of Exhibit 1, paragraphs 27 and 28.

1           We don't have to read through them, but I will  
2           represent to you that these two paragraphs  
3           relate to the written description requirement  
4           of patents in the United States.

5                     Do you understand what that is?

6           A.    Yes, I do.

7           Q.    And do you believe the three patents  
8           at issue in these proceedings satisfy the  
9           written description requirements of US patent  
10          law?

11          A.    Yes.

12                     MR. VAZQUEZ:  Sorry, I'm going to  
13           object to that as calling for a legal  
14           conclusion.

15                     MR. BONILLA:  Why?

16                     MR. VAZQUEZ:  Objection.  Calls for  
17           legal conclusion.

18                     THE WITNESS:  Why?

19  BY MR. BONILLA:

20           Q.    Why was the answer to my question  
21           yes?

22           A.    Person who is competent can

1 understand -- understand the return  
2 description.

3 Q. Of these three patents?

4 A. Yes.

5 Q. Could you practice the claims of  
6 these patents?

7 MR. VAZQUEZ: Objection. Calls for a  
8 legal conclusion.

9 THE WITNESS: I think so, yes.

10 BY MR. BONILLA:

11 Q. How?

12 A. You can use the patents and implement  
13 what the patent says and try -- implementation  
14 is very different, but yeah, we can try that.  
15 We can make an attempt.

16 Q. So I don't want to know if you can  
17 attempt to implement it. Could you implement  
18 inventions as claimed in these three patents?

19 A. Yes.

20 Q. What makes you say that?

21 A. Because the -- I can understand the  
22 written description.

1 Q. How?

2 A. Because I'm fairly skilled enough and  
3 I qualify as a POSITA.

4 Q. Because you're a person of ordinary  
5 skill in the art, you would be able to  
6 understand and implement the claimed inventions  
7 in these three patents?

8 A. Yes, I think so. Yes.

9 MR. BONILLA: I told you we would  
10 take a break about once an hour. How  
11 about now for our break?

12 THE WITNESS: Sure.

13 (Thereupon, a brief recess was taken.)

14 BY MR. BONILLA:

15 Q. During our breaks -- we have had two  
16 of them -- have you communicated with anybody?

17 A. No.

18 Q. I would like to take us back to  
19 Exhibit 1. I'm going to share my screen again.  
20 Can you see my screen?

21 A. Yes.

22 Q. So we are here on page 11 of

1 Exhibit 1, and I really want to focus your  
2 attention on paragraph 33. Starts with, "It is  
3 my understanding." You see that?

4 A. Yes.

5 Q. It says, "It is my understanding that  
6 petitioner is seeking to secure narrow  
7 constructions of 100 plus claim terms in the  
8 district court." Did I read that sentence  
9 correctly?

10 A. Yes.

11 Q. Is that accurate as far as reflecting  
12 your opinion?

13 A. Yes. That's what I was told.

14 Q. What do you base that statement on?

15 A. I was told that by my counsel.

16 Q. Did you count how many claim terms  
17 petitioner is seeking to construe in the  
18 district court?

19 A. I don't recall.

20 Q. You don't recall if you counted?

21 A. Yeah.

22 Q. So you might have?

1 A. There were a lot of them.

2 Q. A lot of what?

3 A. A lot of claim terms.

4 Q. How do you know that?

5 A. Like Scott --

6 Q. Hold on, just because I don't want  
7 you to tell me what was discussed between you  
8 and counsel.

9 MR. VAZQUEZ: I'm going to object to  
10 this as testimony, as indicated, you're  
11 not -- I'm going to instruct you not to  
12 discuss any of the substantive content of  
13 the communications between you and  
14 counsel. But under those caveats,  
15 proceed.

16 BY MR. BONILLA:

17 Q. Let me ask a different question,  
18 okay, Mr. Gajendragad?

19 A. Yeah.

20 Q. Other than what you were told by  
21 counsel, did you rely on anything else to form  
22 the opinion that the petitioner is seeking to

1 secure narrow constructions of 100 plus claim  
2 terms?

3 A. I don't recall.

4 Q. Have you seen the allegedly 100 plus  
5 claim terms that petitioner is seeking to  
6 construe in the district court?

7 A. I may have.

8 Q. But you don't remember?

9 A. Yeah, I don't recall.

10 Q. Is it possible that you formed this  
11 opinion based solely on what you were informed  
12 by counsel?

13 MR. VAZQUEZ: Objection. Calls for  
14 speculation.

15 THE WITNESS: No.

16 BY MR. BONILLA:

17 Q. That is not possible?

18 A. No. I do remember seeing a lot of  
19 the claim terms.

20 Q. And you counted those terms?

21 MR. VAZQUEZ: Objection. Asked and  
22 answered.

1 THE WITNESS: There were a lot of  
2 them.

3 BY MR. BONILLA:

4 Q. Okay. Were there a million of them?

5 A. No.

6 Q. Were there 500 million of them?

7 A. No.

8 Q. Were there 1 million of them?

9 A. No.

10 Q. Were there a thousand of them?

11 A. I mean, it was a ballpark.

12 Q. Is a thousand in the ballpark?

13 A. No.

14 Q. 500?

15 A. No. I think it was about 100 --

16 Q. It was about 100?

17 A. Hundreds.

18 Q. Hundreds. Was it 300?

19 A. It was 100, 110, 95.

20 Q. Sorry, you said 110 or 195?

21 A. I said 110.

22 Q. 110.

1 A. 110, 95. It could be 95.

2 Q. How do you know that?

3 A. In that range.

4 Q. How do you know that?

5 A. How do I know that?

6 Q. You said it was in the range of 95 to  
7 110?

8 A. Yes.

9 Q. Something like that?

10 A. Yeah.

11 Q. What are you basing that on?

12 A. To the best of my knowledge, it was  
13 around that range.

14 Q. Okay. I understand that to the best  
15 of your knowledge that's about how many you  
16 think there were. My question to you is, what  
17 makes you say that?

18 A. It was in a document.

19 Q. So you reviewed a document and saw  
20 that there were somewhere around 95 to 110  
21 constructions proposed by the petitioner?

22 A. Yes. I did refer a document. Yeah.

1 I did refer a document.

2 Q. And you counted the terms?

3 A. Again, it is a ballpark --

4 MR. VAZQUEZ: Asked and answered  
5 multiple times now.

6 THE WITNESS: Again, it is in the  
7 ballpark range. Not the exact number.

8 BY MR. BONILLA:

9 Q. Did you take into consideration  
10 whether some claim terms might have appeared in  
11 multiple claims of the asserted patents?

12 A. Yes.

13 Q. And did you count each claim term in  
14 each patent claim as a separate proposed  
15 construction when you wrote this sentence in  
16 paragraph 33?

17 A. Can you repeat.

18 Q. Yes. If the claim term had a  
19 proposed construction by the petitioner in one  
20 patent claim, and that term also showed up in  
21 another patent claim, did you count that as two  
22 constructions or one?

1           A.    So it depends.  So basically what  
2           you're trying to say is if there was a claim  
3           term, for example, A, and claim term A again  
4           used in another one, did I count them as two or  
5           did I then count them as one?

6           Q.    Correct.

7           A.    Right?

8           Q.    Yes.  Did you do one or two?

9           A.    Actually, I don't recall if I counted  
10          it as two or I counted it as one, I don't  
11          recall that.  There were a lot of claim terms,  
12          that much I know.  But I don't know if I -- if  
13          I saw there were repetitions or there were  
14          duplicates.

15          Q.    You understand that between the  
16          petitioner in this matter filed IPR petitions  
17          on seven patents; correct?

18          A.    Yes, in total, yes.

19          Q.    This declaration is referring to  
20          three of the seven; correct?

21          A.    Yes.

22          Q.    When you say 100 plus claim terms

1           were proposed for construction by the  
2           petitioner, is that the three patents in these  
3           proceedings or all seven patents?

4           A.    All seven.

5           Q.    How many claim terms did the  
6           petitioner propose constructions for in the  
7           three patents that you're referring to in this  
8           declaration?

9           A.    I think it is there in my report  
10          here. I have to look.

11          Q.    You mentioned to me that you have  
12          your report in front of you; right?

13          A.    Right.

14          Q.    Go ahead and you can tell me -- you  
15          can direct me on the screen, and I will scroll  
16          wherever you would like, or you can look at  
17          your report yourself, and then tell me the  
18          answer, how many of these claim -- 100 plus  
19          claim terms you identified in paragraph 33 are  
20          from the three patents that we are talking  
21          about here today?

22          A.    I know the claim terms. So it's --

1           it is in the -- I mean, you have it there at  
2           41, 42, 43 disclosures.

3                   Can you repeat the question again.

4           Q.    How many of the 100 plus claim terms  
5           that you referred to in paragraph 33 are from  
6           the three patents that this declaration relates  
7           to?

8           A.    This declaration, you have to look at  
9           it -- can you show it, the disclosures?

10          Q.    Are you unable to tell me the answer  
11          to my question without looking at the  
12          disclosures?

13          A.    Yes. I would like to see the  
14          disclosures.

15          Q.    Without seeing the disclosures, you  
16          can't answer my question?

17          A.    It is -- it's not a memory.

18          Q.    No, and I'm not trying to make it a  
19          memory test, if that's what you need, but I  
20          need to know the answer to my question, which  
21          is, do you need to see the disclosures to  
22          answer my question?

1 A. Yes.

2 Q. You do. Okay.

3 Did counsel inform you of this  
4 contention in paragraph 33? And to be clear,  
5 the answer to this question is "yes" or "no".

6 A. Yes.

7 Q. Did you independently verify that?

8 A. Yes.

9 Q. You did count the terms?

10 A. Yes.

11 Q. But without looking at the  
12 disclosures, you don't know how many of those  
13 terms are from these three patents as opposed  
14 to the other four?

15 A. I don't recall the exact number,  
16 yeah.

17 Q. Ballpark it for me, please. Is it  
18 more than half?

19 A. I don't want to speculate. I don't  
20 want to speculate.

21 Q. Were 99 terms from one set of patents  
22 and a few others from the other?

1 MR. VAZQUEZ: Objection. Asked and  
2 answered.

3 THE WITNESS: I don't want to  
4 speculate.

5 Q. Now that we've confirmed that you did  
6 count the terms, can you tell me now if when  
7 you saw a term that was used across multiple  
8 asserted claims, if you counted that multiple  
9 times or as just one term?

10 MR. VAZQUEZ: Objection. Asked and  
11 answered.

12 THE WITNESS: I would have to look at  
13 the disclosures again, Mr. Bonilla.

14 BY MR. BONILLA:

15 Q. Would it surprise you if I said that  
16 there are 16 independent claim terms that were  
17 proposed for construction by the petitioner?

18 MR. VAZQUEZ: I'm going to object as  
19 to argumentative.

20 THE WITNESS: I would need to look at  
21 the disclosures.

22

1 BY MR. BONILLA:

2 Q. When I said that just now, did it  
3 surprise you?

4 MR. VAZQUEZ: Objection.  
5 Argumentative.

6 THE WITNESS: I don't want to  
7 speculate.

8 BY MR. BONILLA:

9 Q. I'm not asking you to speculate, Mr.  
10 Gajendragad. I'm asking you, when I said 16,  
11 that number, when I said it, did that surprise  
12 you or did it not surprise you?

13 A. I recollect seeing a lot of them,  
14 so...

15 Q. So it did not surprise you?

16 A. I recollect it being more than 16.

17 Q. So it did surprise you?

18 MR. VAZQUEZ: Objection,  
19 mischaracterizes prior testimony.

20 THE WITNESS: I don't want to say a  
21 number. I don't want to say --

22

1 BY MR. BONILLA:

2 Q. Mr. Gajendragad, I'm not asking you  
3 for a number. When you heard me say 16 terms,  
4 did you find yourself in a state of surprise or  
5 not?

6 A. I'm trying to recollect how many I  
7 saw.

8 Q. Mr. Gajendragad, you know what the  
9 word surprise means, yes?

10 A. Yes, sir, I know.

11 Q. Do you feel surprised right now?

12 A. There were definitely more than 16 is  
13 what I recall. And because in my mind I see it  
14 as more than 16, it is like -- it doesn't  
15 surprise me so much.

16 Q. So it does not surprise you?

17 A. It's like 16 is still more than what  
18 TikTok wanted to construe in the PTAB, so...

19 Q. So you are surprised by the number 16  
20 or you're not surprised by the number 16?

21 MR. VAZQUEZ: Objection. Asked and  
22 answered.

1 THE WITNESS: I have to look at the  
2 disclosures to see -- to answer that.

3 BY MR. BONILLA:

4 Q. To answer whether you're surprised by  
5 the number 16?

6 A. In my recollection, I see that it was  
7 more than 16. And that is where my surprise  
8 and not being surprised, I'm basing that on.  
9 In my recollection, there were a lot of claim  
10 terms.

11 Q. Do you think 16 is a lot?

12 A. Yeah.

13 Q. Sixteen is a lot? Okay.

14 A. Yeah. More than what TikTok wanted  
15 to construe in PTAB.

16 Q. We're real close to being done here,  
17 Mr. Gajendragad, but I really need an answer  
18 whether you felt surprised or feel surprised if  
19 I tell you there are 16 independent claim terms  
20 being proposed by the petitioner across all  
21 seven patents in this matter?

22 MR. VAZQUEZ: Objection. Asked and

1 answered.

2 THE WITNESS: Sixteen is still more  
3 than what TikTok wants to construe.

4 BY MR. BONILLA:

5 Q. I understand that, sir, but my  
6 question to you is, would it surprise you if  
7 the number is 16 independent claim terms? Yes,  
8 it would surprise me; no, it would not surprise  
9 me?

10 A. I don't have an opinion on my emotion  
11 at this point in time. Surprise versus not  
12 surprised.

13 Q. You can't tell me whether you are  
14 surprised or not; right?

15 A. Yes.

16 Q. So let's shift gears a little bit.  
17 We are going to go to Exhibit 2, which is the  
18 patent owner's response. And we are going to  
19 go to page 29 in the PDF, which is page 23 of  
20 the document.

21 Do you see what I have highlighted  
22 here down here, it starts with "finally"?

1 A. Yeah.

2 Q. I'm going to read this highlighted  
3 sentence to you. Just follow along with me.  
4 It reads, "Finally, as of 2007, a POSITA would  
5 have understood that HTTP was only being used  
6 between web servers and requesting browsers,  
7 not by standalone mobile applications." Did I  
8 read that correctly?

9 A. Yes.

10 Q. And you see how it refers to your  
11 declaration at paragraph 67?

12 A. Yes.

13 Q. So let's go to your declaration  
14 that's Exhibit 1. You see here how we have  
15 paragraph 67?

16 A. Yes.

17 Q. It says in paragraph 67 of Exhibit 1,  
18 "As of 2007, a POSITA would have understood  
19 that HTTP was only being used between web  
20 servers and requesting browsers, not by  
21 standalone mobile applications."

22 Did I read that correctly?

1 A. Yes, you read that correctly.

2 Q. Other than the word "finally" -- this  
3 is now Exhibit 2, the patent owner response --  
4 is the rest of what I've highlighted here in  
5 the patent owner response, the rest of that  
6 sentence, is that exactly the same as what I  
7 have highlighted here in Exhibit 1?

8 A. Yes.

9 Q. What is the basis for your opinion at  
10 paragraph 67 of your declaration here in  
11 Exhibit 1?

12 A. Give me a second to process my  
13 thoughts and answer that.

14 Q. Please take your time.

15 A. So back in 2007, I had not seen any  
16 implementation of HTTP protocol being used  
17 other than in a browser, in a proper browser.

18 Q. What do you mean by proper browser?

19 A. Like not a browser on a mobile phone  
20 or something. Proper, like a laptop or  
21 desktop. Browser. Internet -- back in the day  
22 Internet Explorer, Mozilla.

1 Q. A full standalone web browser?

2 A. Yes.

3 Q. Not the mobile version of a web  
4 browser?

5 A. Yes.

6 Q. You had personally not seen -- sorry,  
7 go ahead.

8 A. Back in 2007, there were other  
9 protocols that mobile phones would engage in,  
10 like WAP protocol and things like that.

11 Q. What other protocols besides WAP?

12 A. I have to look, but WAP protocol was  
13 being pushed by the industry. There were like  
14 big books on WAP. WAP itself is a complete  
15 stack. So it has a transport and all that,  
16 yeah.

17 Q. Any other protocols?

18 A. WMTp is part of WAP. So WMTp comes  
19 in the transport layer. So that was  
20 architecture back in the day. That is what  
21 was, like, giving training on in a lot of these  
22 software companies.

1 Q. Other than your personal knowledge,  
2 as of 2007, is this statement in paragraph 67  
3 of your declaration Exhibit 1 to this  
4 deposition, based on anything else?

5 A. No. Rephrase your question. As of  
6 2007?

7 Q. I want to explore, I want to know  
8 everything you relied on to make that statement  
9 that isn't your personal knowledge, education  
10 and training. Is there anything else?

11 A. No. Like I referred to -- I recall  
12 the technologies that were there in 2007, what  
13 was the norm back then.

14 Q. Your opinion -- your opinion here is  
15 based on your recollection of the state of the  
16 art back then?

17 A. Yes. Yeah. So back in the day there  
18 was companies training on WAP architecture  
19 because it was very new back in the day, and  
20 mobile phones didn't have a full-fledged color  
21 screen back in the day.

22 Q. I'm going to stop sharing my screen.

1           A.    Blueberry [sic] was probably the  
2           only -- Blueberry phone, Blueberry, that was  
3           probably the only phone that had a browser back  
4           then.

5                   MR. BONILLA:  So can we go off the  
6           record, please.

7                   (Thereupon, a brief recess was taken.)

8   BY MR. BONILLA:

9           Q.    Mr. Gajendragad, how much time would  
10          you say you spent drafting this declaration,  
11          Exhibit 1, in this deposition?

12          A.    I don't recall exactly.  I don't  
13          recall exactly.  I cannot quote a number on it.

14          Q.    Was it a million hours?

15          A.    Not like that.  It was not like a one  
16          day I sat and wrote the whole thing.

17          Q.    Was it 50, 100, 150, 200 hours?  
18          About how much time did you spend?

19          A.    About 150, 200 hours.

20                   MR. BONILLA:  Okay.  I have no  
21          further questions at this time.  I pass  
22          the witness.

1 MR. VAZQUEZ: Thank you. I just have  
2 -- I have a little bit of redirect here.  
3 Won't take long.

4 FURTHER EXAMINATION

5 BY MR. VAZQUEZ:

6 Q. So Mr. Gajendragad, I want to revisit  
7 the section of your declaration regarding legal  
8 framework. And I just want to just confirm,  
9 you're obviously not an attorney; right?

10 A. Yes.

11 Q. You did rely on counsel for  
12 information related to, for example, the  
13 pre-AIA versions of patent statutes?

14 A. Yes. That is right.

15 Q. And I want to specifically go to  
16 address paragraph 33 of your declaration, which  
17 was the paragraph involving the 100 plus claim  
18 terms that -- quoting to your paragraph 33.

19 A. Yes.

20 Q. So I want to lay a little bit of  
21 foundation here, because as you know, there  
22 were seven patents in total; right, involved in

1 the IPRs?

2 A. Right.

3 Q. So I want to clarify, you understand  
4 that a claim term, such as claim term A, can  
5 appear in multiple claims across multiple  
6 patents? Do you understand that?

7 A. Yes, I understand.

8 Q. So it's possible that a particular  
9 claim term, for example, could appear in all  
10 seven patents, in multiple claims, and within  
11 those seven patents, do you agree with that?

12 A. Yes, I agree.

13 Q. So in your recollection when this  
14 particular statement in paragraph 33, seeking  
15 to secure narrow constructions of 100 plus  
16 claim terms, do you know, as you consider what  
17 I just said, in terms of how claim terms can  
18 appear in multiple claims, do you feel that  
19 those 100 plus -- that number 100 plus could be  
20 a particular claim term being addressed in  
21 multiple claims over multiple patents?

22 A. Yes, I understand -- yes, I agree.

1 MR. VAZQUEZ: Okay, so I just wanted  
2 to clarify that.

3 That is really all I have. I wanted  
4 to clarify that point.

5 MR. BONILLA: Counsel, if I may, I  
6 have -- I can't say I have one question,  
7 because it always turns into more than  
8 one.

9 FURTHER EXAMINATION

10 BY MR. BONILLA:

11 Q. During the break we just took from  
12 1:09 Pacific to 1:15 Pacific, did you  
13 communicate with anyone?

14 A. No.

15 MR. BONILLA: No further questions.  
16 (Time Noted: 4:21 p.m.)  
17  
18  
19  
20  
21  
22

## 1 CERTIFICATE

2  
3 I, the undersigned authority, hereby  
4 certify that the foregoing transcript, page 1  
5 through 90 is a true and correct transcription  
6 of the deposition of PAVAN M. GAJENDRAGAD,  
7 taken before me at the time and place set forth  
8 on the title page hereof.

9 I further certify that said witness  
10 was duly sworn by me according to law.

11 I further certify that I am not of  
12 counsel to any of the parties to said cause or  
13 otherwise interested in the event thereof.

14 IN WITNESS WHEREOF I hereunto set my  
15 hand and affix official seal this 31st day of  
16 March, 2025.

17  
18  
19   
20

21 RANDI GARCIA, COURT REPORTER, RPR

22 NOTARY PUBLIC

1 Pavan M. Gajenragad, c/o

2 Garteiser Honea

3 119 West Ferguson

4 Tyler, Texas 75702-7203

5

6 Case: TikTok, Inc. v. CellSpin Soft, Inc.

7 Date of deposition: March 21, 2025

8 Deponent: Pavan M. Gajenragad

9

10 Please be advised that the transcript in the above  
11 referenced matter is now complete and ready for signature.

12 The deponent may come to this office to sign the transcript,  
13 a copy may be purchased for the witness to review and sign,  
14 or the deponent and/or counsel may waive the option of  
signing. Please advise us of the option selected.

15 Please forward the errata sheet and the original signed  
signature page to counsel noticing the deposition, noting the  
16 applicable time period allowed for such by the governing  
Rules of Procedure. If you have any questions, please do  
17 not hesitate to call our office at (202)-232-0646.

18 Sincerely,

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6 SIGNATURE PAGE

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8 Witness Name: Pavan M. Gajenragad  
9 Deposition Date: March 21, 2025  
10

11 I do hereby acknowledge that I have read  
12 and examined the foregoing pages  
13 of the transcript of my deposition and that:

14 (Check appropriate box):

15 ( ) The same is a true, correct and  
16 complete transcription of the answers given by  
17 me to the questions therein recorded.

18 ( ) Except for the changes noted in the  
19 attached Errata Sheet, the same is a true,  
20 correct and complete transcription of the  
21 answers given by me to the questions therein  
22 recorded.

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## ERRATA SHEET

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8

Case: TikTok, Inc. v. CellSpin Soft, Inc.

9

Witness Name: Pavan M. Gajenragad

10

Deposition Date: March 21, 2025

11

Page No. Line No. Change

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Signature\_\_\_\_\_  
Date

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