

Deposition Transcript

Case Number: IPR2024-00782

Date: April 7, 2025

In the matter of:

APPLE INC. v PROXENSE, LLC

MARKUS JAKOBSSON, Ph.D.

**CERTIFIED
COPY**

Reported by:
Jillian Doctor

**Steno
Official Reporters**

315 West 9th Street
Suite 807
Los Angeles, CA 90015
concierge@steno.com
(310) 573-8380
NV: Firm #108F



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

APPLE INC.,

Petitioner,

vs.

CASE NO: IPR2024-00782
U.S. Patent No. 8,646,042

PROXENSE, LLC,

Patent Owner.

* * * * *

Deposition of MARKUS JAKOBSSON, PH.D., taken
on behalf of the Petitioner, via Zoom videoconference,
commencing on the 7th day of April, 2025, at the hour
of 10:00 a.m. ET, before Jillian Doctor, CSR No.
14603, pursuant to Notice of Taking Deposition.

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A P P E A R A N C E S

FOR THE PETITIONER:

DUANE MORRIS LLP
260 Homer Avenue, Suite 202
Palo Alto, California 94301
BY: Philip W. Woo, Esquire
John Max DiBaise, Esquire
PWwoo@duanemorris.com
JMDiBaise@duanemorris.com

FOR THE PATENT OWNER:

HECHT PARTNERS LLP
125 Park Avenue, 25th Floor
New York, New York 10017
BY: James Zak, Esquire
Jzak@hechtpartners.com

TECHNICIAN:

Rick Ketzel

JILLIAN DOCTOR, RPR, CRR
COURT REPORTER

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I N D E X

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EXHIBITS FOR IDENTIFICATION
(NO EXHIBITS MARKED.)

1 MARKUS JAKOBSSON, PH.D.,
2 having been first duly sworn,
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. WOO:

6 Q. Good morning, Dr. Jakobsson. How are you
7 doing?

8 A. Good morning. Doing well. How are you?

9 Q. I'm good. Thank you. Thank you for taking
10 the time today.

11 Do you understand that you're testifying
12 under oath?

13 A. Yes.

14 Q. And even though we're communicating across
15 video and not in person, do you understand that the
16 testimony you're about to give may be used in
17 connection with a proceeding, legal proceeding?

18 A. Yes.

19 Q. All right. And it's important, given this
20 remote format, that we don't talk over each other so
21 we can create a clean record.

22 Is that okay?

23 A. Yes.

24 Q. Great. So if you could do your best to let
25 me finish my questions before responding, I'll do the

1 same for your answers.
2 Okay?
3 A. Yep.
4 Q. And, also, inaudible responses, like nodding
5 or shaking your head, won't come across in the record,
6 so if you could answer audibly?
7 A. Yes.
8 Q. All right. And if you don't understand any
9 of my questions, please let me know and I'll do my
10 best to clarify for you.
11 Okay?
12 A. I will.
13 Q. All right. And if you need a break, let me
14 know -- we'll plan on taking a break every 60 to
15 90 minutes or so, but if you need one in the interim,
16 I'll do my best to accommodate.
17 A. Yes.
18 Q. And if we do have a break, I just ask that
19 we don't do that while a question is pending. Okay?
20 A. Yes.
21 Q. Is there any reason why you can't provide
22 complete, accurate, truthful testimony today?
23 A. Not that I'm aware of.
24 Q. Okay. Do you understand that we are here
25 today in connection with two IPR proceedings?

1 A. Yes.

2 Q. All right. And those IPR proceedings relate
3 to two patents, US Patent Number 8646042 and US Patent
4 Number 9679289.

5 So for today I will refer to US
6 Patent 8646042 patent as the 042 patent.

7 Is that okay?

8 A. Yes.

9 Q. And I'll refer to US Patent Number 967289 as
10 the 289 patent.

11 Is that okay?

12 A. Yes.

13 Q. Great.

14 How did you become involved in these
15 proceedings?

16 A. Counsel reached out to me and asked for my
17 availability.

18 Q. Okay. Which counsel?

19 A. David -- I'm sorry. I'm blanking on his
20 last name right now.

21 Q. Okay.

22 A. James's colleague.

23 Q. Thank you.

24 And when did David reach out to you?

25 A. I don't recall any exact date, but it was in

1 the fall of last year.

2 Q. Okay. Was that David Hecht?

3 A. Yes.

4 Q. Thank you.

5 And when did you begin working for Proxense?

6 A. I started working on the case some weeks

7 after being retained. I don't remember exactly when.

8 Q. And you said fall of last year.

9 Can you give a month? August? September?

10 October?

11 A. October or November. I don't remember

12 exactly.

13 Q. And so when you say that you started work on

14 the case, would that have been in October or November?

15 A. I think so. But I don't have my billing

16 records in front of me, so this is just roughly and

17 from vague recollections.

18 Q. Okay. And what is your role, as you

19 understand it, Dr. Jakobsson?

20 A. I understand it to be as the testifying

21 expert witness.

22 Q. Now, we are here because of two IPR

23 proceedings.

24 Do you understand that there's a District

25 Court litigation also involving Proxense?

1 A. Yes, I understand that.

2 Q. Are you involved in the District Court
3 litigation for Proxense?

4 A. I have not done anything in it, and I don't
5 know whether I will be asked to.

6 Q. So you haven't been asked yet to be --
7 whether you would be an expert in the District Court
8 litigation?

9 A. I don't have the retention agreement in
10 front of me so I don't know whether it mentions the
11 District Court case. But we haven't spoken about it
12 as far as I can recall.

13 Q. Did you receive any materials for the
14 District Court litigation?

15 A. None that I can remember.

16 Q. Did you receive --

17 A. I -- I might have received --

18 Q. Go ahead.

19 A. -- a complaint, but I am not sure, and I
20 can't recall it.

21 Q. And did you receive any infringement
22 contentions?

23 A. I don't remember any. So I don't think I
24 did.

25 Q. Okay. Were you involved in preparing any

1 infringement contentions?

2 A. No.

3 Q. Do you know what products are accused in the
4 litigation?

5 A. I don't really know how to identify the
6 products, but I know it has to do with the
7 authentication of users.

8 But I also -- I know that there are patents
9 other than the two that I have reviewed in the case,
10 but I don't know how many nor which ones. And I do
11 not know what products they relate to.

12 Q. Did you review any materials regarding the
13 accused products?

14 A. Not in the context of this case.

15 Q. Have you reviewed any materials for the
16 accused products in any other context?

17 A. I don't know. I don't know which ones are
18 the accused products.

19 Q. Did you review any source code for the
20 accused products?

21 A. I have not reviewed any source code for
22 Apple products ever.

23 Q. Okay. You submitted a declaration in
24 connection with your work on these IPR proceedings;
25 correct?

1 A. I think two of them.

2 Q. Okay. Did you consider the accused products
3 in formulating the opinions you expressed in your
4 declarations?

5 A. I did not. I may have been informed about
6 general principles related to them, but I don't recall
7 that.

8 Q. Have you formed any opinion as to whether
9 the accused products infringe the patent?

10 MR. ZAK: Objection. Scope. We're here not
11 talking about infringement. This is not even an
12 infringement proceeding.

13 MR. WOO: I'm just trying to understand
14 Dr. Jakobsson's analysis, James.

15 BY MR. WOO:

16 Q. So if you could, Dr. Jakobsson?

17 A. I have not rendered any opinion, and I have
18 not done any analysis.

19 Q. Is that regarding infringement --

20 A. Correct.

21 Q. -- Doctor? All right.

22 Do you know who Proxense has engaged to be
23 its experts in the litigation against Apple?

24 A. No.

25 Q. Okay. Have you heard of Steven Gray?

1 A. I don't think so.

2 Q. Have you -- have you ever heard of a Steven

3 Gray?

4 A. I don't think so.

5 Q. Okay. Have you heard of a Patrick Trainor?

6 A. Yes.

7 Q. Okay.

8 A. But not in the context of this case.

9 Q. In the context of this case?

10 A. Not in the context of this case.

11 Q. Not in the -- okay. What do you know of

12 Patrick Trainor?

13 A. I believe he's a faculty member in a Florida

14 university. And I met him at a conference, I'd say,

15 15 years ago or so. We have not kept in contact. He

16 has -- in my understanding, a good reputation in the

17 community.

18 Q. Would you consider Dr. Trainor to be an

19 expert in the field of the 042 and 289 patents?

20 A. I really haven't thought about that.

21 Q. Okay. Have you heard of Andrew Wolfe?

22 A. No.

23 Q. Have you heard of Tony Cruthers?

24 A. No.

25 MR. ZAK: Objection again. What's the scope

1 of this line of questioning? Dr. Cruthers isn't even
2 testifying in this case.

3 BY MR. WOO:

4 Q. Dr. Jakobsson, have you heard of Charles
5 Eldering?

6 A. Would you say his last name again?

7 Q. Eldering, E-L-D-E-R-I-N-G?

8 MR. ZAK: Objection, again. Scope.

9 Dr. Eldering isn't even testifying in this case.

10 A. I can't remember having heard his name.

11 BY MR. WOO:

12 Q. Okay. So you've never heard of
13 Dr. Eldering?

14 A. Not that I can remember.

15 Q. Prior to the time that you were approached
16 to work on the Proxense case, had you ever heard of
17 Proxense?

18 A. No.

19 Q. The two patents that we're talking about for
20 these proceedings, the 042 patent and the 289 patent,
21 the inventor of those patents is David L. Brown.

22 Prior to the time that you approached --
23 that you were approached to work on this case, had you
24 ever heard of David L. Brown?

25 A. I can't be sure. It sounds like a

1 reasonably common name, so I am not sure.
2 Q. Okay. You just don't know?
3 A. I don't know.
4 Q. All right. Have you been deposed before,
5 Dr. Jakobsson?
6 A. Yes.
7 Q. When?
8 A. Several times.
9 Q. How many times?
10 A. Maybe 70.
11 Q. 70?
12 A. Yes.
13 Q. That's 7-0?
14 A. Yes.
15 Q. Okay. When was the first time that you were
16 deposed?
17 A. I don't remember clearly. Maybe about
18 15 years ago.
19 Q. And who were the parties to that case?
20 A. I don't recall the name of the plaintiff,
21 but I believe the defendant whom I was working for was
22 Dell Computers.
23 Q. Okay. And what was your role in that case?
24 A. I was a testifying expert witness.
25 Q. And you were testifying on -- on what issues

1 were you testifying?

2 A. This was a case related to physical
3 randomness. It's sometimes referred to as true
4 randomness and of what's called pseudorandom
5 functions.

6 Q. Was that a patent case?

7 A. Yes.

8 Q. Okay. So you were testifying as an expert
9 in a patent case on behalf of defendant Dell?

10 A. I believe it was Dell, yes.

11 Q. And were you testifying -- on what issues?
12 validity? infringement? others?

13 A. I don't remember.

14 Q. Okay. That was 15 years ago.

15 What would your next case that you were
16 involved in for as -- I'm sorry.

17 What was the next case you were deposed in?

18 A. I'm sorry. I cannot recall.

19 Q. Okay. Have you ever been involved in other
20 cases relating -- I'm sorry.

21 Have you ever been an expert in other cases
22 involving Apple?

23 A. Yes, I have.

24 Q. Which cases were those?

25 A. One case that I was involved in briefly was

1 Intertrust versus Apple. There might have been other
2 defendants as well. That was in 2013.

3 Q. Intertrust. Okay.

4 And who were you representing there?

5 A. I was representing Intertrust.

6 Q. Okay. And what was your role in that case?

7 A. I was a testifying expert witness.

8 Q. And on what -- what issues? Do you recall?

9 A. I really don't. I had to leave the case due
10 to change of employment and my new employer's policies
11 after just some months of work on the case. I don't
12 think I did much on the case at all.

13 Q. What was your change in employment at that
14 time?

15 A. I used to work for PayPal, and then I became
16 employed by Qualcomm. And PayPal had no relationship
17 with Apple, but Qualcomm did. And therefore I was
18 asked to not be engaged in this case.

19 Q. Okay. So you didn't work -- how many hours
20 do you think you spent on the Intertrust case?

21 A. I would not know. If I had to guess, I
22 would say on the order of 10 to 20.

23 Q. Okay. What other cases have you been
24 adverse to Apple in?

25 A. There is a somewhat recent case. I forget

1 the name of the plaintiff. I'm sorry. I would have
2 to look at my records.

3 Q. Okay. Was that a patent case as well?

4 A. Yes, it was. It was an Israeli inventor.
5 And I remember the name of counsel on my side, John
6 North.

7 Other than that, I'm blanking on the details
8 of the case.

9 Q. Where -- which law firm was John North
10 employed with?

11 A. I don't remember. I know that he recently
12 moved to Taylor and English.

13 Q. Okay. Can you -- can you recall any other
14 cases against Apple?

15 A. I can recall one case, which a company I'm
16 associated with was the plaintiff. The name of the
17 plaintiff there is Carbyne, C-A-R-B-Y-N-E, Biometrics.
18 And that was a case in the Western District of Texas,
19 and it was filed maybe two years ago --

20 Q. And how were you --

21 A. -- by Macool. Sorry.

22 Q. Filed two years by Macool.

23 And how were you involved in that case,
24 Dr. Jakobsson?

25 A. I'm the inventor of the asserted patents. I

1 believe there were six patents that were asserted, and
2 then one was dropped.

3 Q. Besides being an inventor of the asserted
4 patents, do you have any other role in that case?

5 A. What do you mean by "role"?

6 Q. Do you have any relationship with Carbyne --

7 A. Yes.

8 Q. -- Biometrics?

9 A. Right. I do.

10 Q. What is your relationship with Carbyne
11 Biometrics?

12 A. My wife and I control the company. We own
13 the majority of the equity of the company.

14 Q. Okay. How much is the majority?

15 A. 98.5 percent.

16 Q. And in that case you're the plaintiff, then.
17 Is that fair to say?

18 A. That is correct.

19 Q. Okay. And where does that case stand now?

20 A. The case was decided by the judge in, I'd
21 like to say, early February, but it might have been
22 late January.

23 Q. And what was the decision in that case?

24 A. He argued that the patents were invalid
25 under Alice.

1 Q. You said there were six or seven patents.
2 Is that correct?
3 A. There were six that were asserted at first,
4 and there was one that was dropped some months into
5 the proceedings.
6 Q. And in that ruling by the judge in the
7 Carbyne case, did that ruling affect all patents or
8 just some?
9 A. I believe it affects the five that remained
10 in the case.
11 Q. Okay. So is that case complete now?
12 A. I don't know because we haven't gotten the
13 written ruling yet, and I don't understand the
14 intricacies of this.
15 Q. Did you make any money on that case?
16 A. No.
17 Q. Did you serve as an expert in that case?
18 A. No.
19 Q. Have you served as an expert in any other
20 cases involving Apple?
21 A. There might be one more, but I can't recall
22 it. And I'm not sure that it's Apple.
23 Q. So the case that you said you were more
24 recently involved in, was that RN Houston?
25 A. Yes.

1 Q. Okay. And where was -- where was that case
2 pending?
3 A. Northern District of California.
4 Q. Okay. And what was your role in that case,
5 Dr. Jakobsson?
6 A. I was a testifying expert witness.
7 Q. Okay. And what issues did you testify on?
8 A. I don't recall.
9 Q. And was it infringement?
10 A. I really don't recall.
11 Q. Okay. And who did you represent in that
12 case?
13 A. Plaintiffs.
14 Q. Plaintiff RN Houston?
15 A. Yes.
16 Q. Okay.
17 A. I don't remember his first name, but Houston
18 is the last name.
19 Q. Understood. Thank you.
20 Were you paid for your work in that case?
21 A. Yes.
22 Q. How much do you think you were paid for your
23 work in that case?
24 A. I don't know without looking at my billing
25 sheets.

1 Q. Do you know ballpark?
2 A. I would say on the order of \$100,000, but
3 I -- I'm just kind of shooting from the hip now.
4 Q. 100,000. Okay.
5 Any other cases where you have been adverse
6 to Apple?
7 A. As I mentioned, I think there is one other,
8 but I don't remember any details. And it could be
9 somebody else than Apple.
10 Q. Do you recall working on a case for Nokia
11 against Apple?
12 A. No.
13 Q. Okay. What about a company called USR?
14 A. Yes. That's the one I was thinking of.
15 Q. All right. So tell me about USR.
16 Who were you working for in that particular
17 case?
18 A. I was working for plaintiff USR.
19 Q. Okay. And what was your role in that case?
20 A. I was testifying expert witness.
21 Q. And what issues were you testifying on?
22 A. I think the case never got further than IPR,
23 and the patents were invalidated. So I was involved
24 in the IPR proceedings. I don't remember much more
25 than that.

1 Q. So you were working on both the IPR and the
2 District Court litigation for USR?

3 A. I don't remember. I don't think that the
4 District Court litigation was any substantial amount
5 of work. I don't recall it at all. There might have
6 been some minor questions that I was helping with, but
7 I do remember that the substance of my involvement was
8 relating to IPRs.

9 Q. Okay. So the majority of your work was
10 involved in the IPRs for USR?

11 A. Either majority or all. I do not recall
12 whether I was involved in the DC portion.

13 Q. Okay. Were you paid for your work in USR?

14 A. Yes.

15 Q. How much do you think you were paid for your
16 work in USR?

17 A. I really don't know. I would -- if I have
18 to guess, it would be on the same order, maybe
19 100,000.

20 I know that there were two cases with USR.
21 I think so. So I'm a little bit vague on it now
22 because I don't remember the details.

23 Q. Okay. Just going back to the RN Houston
24 case, were there any IPRs filed against the patents in
25 that case?

1 A. I don't recall.

2 Q. Okay. For the RN Houston case, were you
3 involved primarily in the District Court litigation,
4 then?

5 A. I don't recall anything about the details of
6 my involvement. It could be that I was involved in
7 IPRs, and it could be that I was not. I don't
8 remember.

9 Q. Okay. Are there any other cases you've been
10 involved in against Apple?

11 A. Nothing comes to mind, but to be absolutely
12 certain, I would have to look through the spreadsheet
13 where I keep a list of my engagements. And I don't
14 have that in front of me right now.

15 Q. Do you recall a company called MPH?

16 A. No. What is MPH short for?

17 Q. I'm not sure exactly. I think that's
18 another entity that has brought a case against Apple.

19 A. I don't recall being involved in that. When
20 was that?

21 Q. I'll come back to that one.

22 A. Okay. Okay.

23 Q. So you've been involved in a few cases as an
24 expert against Apple; correct?

25 A. Correct.

1 Q. And we've identified at least this case, the
2 Proxense case. The Intertrust case -- no. I'm sorry.
3 Apologies. That was not against Apple. Or was it?
4 It was. I'm sorry.

5 Let me start over again.

6 So we've identified at least this case for
7 Proxense and then the Intertrust case, the Carbyne
8 Biometrics case, the RN Houston case, and the USR
9 case, all against Apple; correct?

10 A. I do think that's correct, yes.

11 Q. Okay. Can you think of any other cases that
12 you've been involved in against Apple?

13 A. Not right now.

14 Q. Have you ever been involved in a case where
15 you worked as an expert for Apple?

16 A. No. I would love to.

17 Q. Okay. Have you ever been asked to work as
18 an expert for Apple?

19 A. No, not yet.

20 Q. How do you typically become involved as an
21 expert in litigation?

22 A. Most of it is somebody I have worked with in
23 the past that comes and say they have another case
24 that matches up with my expertise and wonder whether
25 I'm available and have conflicts.

1 Q. Do you ever reach out to anyone if you see a
2 litigation against a company and ask if they need an
3 expert?

4 A. I think I've done that a total of one time.
5 I don't really track what's going on in terms of
6 litigation that has been initiated.

7 Q. For the one time that you reached out to a
8 firm, do you recall which matter that was?

9 A. No. I was not -- I did not get hired in
10 that case. It was something that related to
11 technology that I had very deep interest in. And I
12 don't remember even what it was. And they never
13 responded. They probably had an expert already.

14 Q. You said you've been deposed 70 times.
15 Is that right, Dr. Jakobsson?

16 A. This is just a guesstimate.

17 Q. Okay. All right. Was that -- for all those
18 times that you've been deposed, was that primarily as
19 an expert?

20 A. What's the alternative?

21 Q. As a fact witness.

22 A. I was deposed as a fact witness in the
23 Carbyne Biometrics case, and I think that's the only
24 case.

25 No, no. There was a case against Samsung

1 that I was also deposed as a fact witness.

2 Q. Which case was that?

3 A. That is RightQuestion versus Samsung.

4 Q. All right. So you've been deposed as a fact
5 witness a couple of times -- or two times, to your
6 recollection. Is that right?

7 A. Yes. If there are further times, then I
8 don't recall them right now.

9 Q. So the vast majority of the times that
10 you've been deposed, you've been deposed as an expert?

11 A. Right.

12 Q. So how many cases do you think you worked on
13 as an expert?

14 A. It's on the order of 75.

15 Q. Besides your work as an expert for
16 litigation, do you have any other jobs?

17 A. Yes.

18 Q. What jobs?

19 A. So I am currently the chief scientist of
20 Artema Labs, A-R-T-E-M-A, space, Labs. That's a
21 blockchain startup. And I have current -- and I have
22 previously had -- so let me take a step back.

23 My expert witness work has not been
24 predictable. It's been kind of periodic and mostly
25 something I've done on the side. So apart from some

1 periods of time, I have had a regular corporate job or
2 academic job at the same time.

3 Q. Okay. So you said you're currently the
4 chief scientist at Artema Labs; correct?

5 A. Yes.

6 Q. How much have you made as the chief
7 scientist at Artema Labs?

8 MR. ZAK: Objection. Relevance.

9 A. Not so much. It's a startup, so our budget
10 is not that impressive. I think from -- from the
11 start of the company, I might have been paid a little
12 bit over \$100,000, and plus benefits.

13 BY MR. WOO:

14 Q. Do you have any other jobs currently?

15 A. Not additional jobs. I do own a collection
16 of patents through a handful of corporations. And I
17 am trying to identify potential buyers of the
18 technology, but I wouldn't quite call it a job in the
19 traditional sense.

20 Q. So last year in 2024, how much money did you
21 make from Artema?

22 MR. ZAK: Again, what is the relevance of
23 this? Objection.

24 BY MR. WOO:

25 Q. Dr. Jakobsson?

1 A. I'm still thinking. I would -- I don't know
2 the value of the benefits. So I'm only referring to
3 the salary component. During 2024, I think that was
4 on the order of \$50,000.

5 Q. Okay. How much money did you make in 2024
6 as an expert in litigation?

7 A. Again, I would have to guess. I would say
8 it's on the order of 200,000, maybe 250.

9 Q. Okay. What about in 2023? How much money
10 did you make working as an expert in litigation?

11 A. Now you're stretching my recollection. I
12 don't really know. It's been fairly similar over the
13 last few years. So I would guess about the same as
14 2024. But I do believe that 2023 was a little bit
15 different. I think I was receiving less from expert
16 witness work and more from Artema during that year.

17 Q. How much do you think you made from Artema
18 in 2023?

19 A. Close to 100,000.

20 Q. Okay. And how much do you think you made as
21 an expert witness in 2023?

22 A. I would guess a little bit less than
23 200,000. But, again, I am just grabbing for numbers
24 here. I would have to look at my either tax return or
25 billing sheet in order to speak with precision and

1 confidence.

2 Q. Okay. What about 2022? How much money did
3 you make as an expert in litigation in 2022?

4 A. I really can't tell.

5 Q. Were you working for Artema in 2022?

6 A. Yes. Now, my work at Artema, I believe,
7 started in 2021, but until we were funded, I did not
8 receive any salary at all and I don't remember when
9 exactly we were funded. So I don't remember whether I
10 had a salary from Artema during 2022.

11 Q. So in 2022, did you have any other jobs?

12 A. I do not recall.

13 Q. In 2022, do you know how much you made as an
14 expert in litigation?

15 A. No, I don't.

16 Q. Did you have any income in 2022 other than
17 as an expert in litigation?

18 A. Yes, I did. There -- I mentioned to you the
19 RightQuestion versus Samsung case. I owned a portion
20 of RightQuestion, and there was a settlement in that
21 case, which I believe was in 2022, from which I
22 received money, but I don't remember exactly how much.

23 Q. Did you receive more money from that
24 settlement or as an expert in 2022?

25 A. More from that settlement.

1 Q. Okay. When did you begin working as an
2 expert in litigation?

3 A. I don't remember exactly, but approximately
4 15 years ago.

5 Q. Since beginning work as an expert in
6 litigation, how much money do you think you've made as
7 an expert?

8 A. I really would not be able to tell.

9 Q. When did you start your professional career?

10 A. In 1991, I would say, as I enrolled in grad
11 school at the University of California in San Diego.
12 I think that is the point where I would say I would
13 have been started on my professional career.

14 Q. In your professional career, do you think --
15 how much money do you think you've made as -- in roles
16 other than as an expert in litigation?

17 A. You're asking difficult questions. I really
18 can't estimate.

19 Q. Do you think you've made more money as an
20 expert in litigation since you began working or in
21 a -- in roles other than an expert in litigation?

22 A. Definitely in roles other than as an expert
23 in litigation.

24 Q. Since you began working as an expert in
25 litigation, how much money do you think you've made

1 working on cases against Apple?

2 A. I don't know. I think we estimated before,
3 from those two cases that you asked me about, on the
4 order of 100,000 each. That's breaking down between
5 Houston and USR. But that's a really -- it's between
6 guesstimate and speculation.

7 Q. So at least a couple of hundred thousand?

8 A. I could be off without -- this is an
9 educated guess.

10 Q. Okay. Do you think you've made a million
11 dollars working as an expert against Apple?

12 A. No, I don't think so.

13 Q. All right. Besides -- actually, you
14 mentioned that you work for Qualcomm.

15 Is that right?

16 A. That's correct.

17 Q. Are you still working for Qualcomm?

18 A. No.

19 Q. When did you stop working for Qualcomm?

20 A. I believe it was the end of 2015.

21 Q. And why did you stop working for Qualcomm?

22 A. I was laid off. They had severe cuts at
23 that time.

24 Q. You said you previously worked at PayPal.
25 Is that right?

1 A. Yes. Right.

2 Q. And why did you make the transition from
3 PayPal to Qualcomm?

4 A. I -- prior to joining PayPal, I had founded
5 a startup named Fat Skunk, F-A-T-S-K-U-N-K.

6 The company had developed technology to
7 detect malware that was more suitable for a mobile
8 environment than the technologies that at that time
9 were available for mobile environments in the context
10 of antivirus.

11 Mostly this is about power consumption.
12 They were much less demanding of power, these
13 technologies that I had developed at Fat Skunk. Fat
14 Skunk was acquired by Qualcomm in 2013, and as a
15 result of that, I left PayPal and became a Qualcomm
16 employee.

17 Q. So you said that there were layoffs at
18 Qualcomm.

19 What group were you working on -- working
20 with at Qualcomm?

21 A. I was, unfortunately, working in the Santa
22 Clara group, and that's not the mother ship. That's
23 the group that was hit the hardest by cuts in my --
24 according to my understanding.

25 We did security research, and I was focusing

1 my research on improvements of the malware technology
2 that I had previously worked on and developed.

3 Q. How many employees do you think were in that
4 particular group working on security at Qualcomm?

5 A. It's kind of hazy because there are many
6 people who worked on things adjacent to security.
7 Now, if I don't count them, I would say there were
8 five or six people working on security --

9 Q. In --

10 A. -- in the Santa Clara office. Or at least
11 that I was aware of.

12 Q. So when the layoffs came, how many of those
13 people were laid off?

14 A. I think only one remained, but he left after
15 a while. It's not easy to be the only group member.
16 And I don't keep close tabs on former colleagues, so I
17 don't know for a fact that they all were laid off.
18 They might have just felt that it was the time to
19 leave.

20 Q. Why did Qualcomm lay off so many people in
21 that particular group?

22 A. They had -- my recollection was that their
23 stock was not doing well at all and that they had
24 hired an outside consultant to come in and review how
25 to firm up the organization by cuts.

1 And that consultant was looking at the
2 horizon of impact of work and favoring work that had
3 expected positive outcomes in the very short term,
4 meaning that many research-related efforts, which may
5 have been about potential products five years ahead
6 were cut.

7 Q. So after you were laid off from Qualcomm,
8 what did you do next?

9 A. I worked for a company called Agari. Agari
10 provided an email security service that detected
11 abusive incoming emails. One of their products
12 related to DMARC -- that's D-M-A-R-C -- which they
13 developed.

14 It's a standard, but they developed good
15 ways of onboarding organizations that were proprietary
16 to Agari, I believe. And they also looked at other
17 ways in which to address spoofing and deceit. And
18 those were -- that was the research that I became
19 involved in at Agari.

20 Q. When did -- are you still working for Agari?

21 A. No, I'm not.

22 Q. What happened with Agari?

23 A. Eventually, Agari was acquired by a company
24 called, I believe, HelpSystems. And then that company
25 changed name maybe half a year ago or a year ago. I

1 don't remember what they're called anymore.

2 Q. So are you still working for HelpSystems?

3 A. No. I was -- I left Agari before the
4 acquisition took place.

5 Q. Okay. When did you leave Agari?

6 A. I am not certain, but I think it was 2018.

7 Q. Okay. Why did you leave Agari?

8 A. In part because I felt that they were stuck
9 in a rut. They were not, in my view, sufficiently
10 invested in technologies that I believe would be
11 important in the near term. But they instead
12 addressed technologies that were, I would say, safer,
13 more predictable, but less favorable in the long run.

14 Q. Going back just to PayPal and Qualcomm, when
15 did you work for PayPal?

16 A. I know that I ended in 2013, and I think I
17 started in 2010.

18 Q. And when did you work for Qualcomm?

19 A. I started at the very end of the year, 2013.
20 And I don't remember exactly when I left, but I think
21 it was the end of 2015.

22 Q. What other companies have you worked for in
23 your career?

24 A. For example, I've worked for a company
25 called RSA Security, which has gone through so many

1 acquisitions that I don't actually know who owns it at
2 this time. It might be Dell.

3 I have worked for Bell Labs at the time that
4 it was part of Lucent Technologies, which was later
5 acquired by Nokia, I believe.

6 I have worked for universities.

7 I have worked for a company that used to be
8 called Amber Solutions, and I think they rebranded to
9 Amber Semiconductors.

10 Q. When did you work for Amber Solutions?

11 A. That was after Agari.

12 Q. So 20 -- when did you start working for
13 Amber Solutions?

14 A. Soon after I left Agari, but I don't
15 remember now whether that was 2018 or -- no, I don't.

16 Q. Okay.

17 A. And I worked there for a while. I was laid
18 off, as so many other were at the beginning of COVID,
19 from Amber.

20 Then I worked for a short time for
21 ByteDance -- ByteDance is the operation that owns
22 TikTok. But it was less than a year that I worked for
23 them.

24 Q. Okay. So for Amber Solutions, you said you
25 were laid off in the beginning of COVID.

1 What time frame? Is that 2020 or 2021?
2 A. It was in March when the -- when things
3 started to get really bad.
4 Q. So March 2020?
5 A. I think so. Yes. Yes.
6 Q. Why were you laid off from Amber Solutions?
7 A. They were panicking about their runway.
8 It's -- I believe they were funded by an A round, and
9 they saw their prospects changing for the worse and
10 did not know exactly how bad COVID would be for them,
11 and so they laid off a large portion of their
12 employees. Maybe half.
13 Q. What about ByteDance, are you still working
14 for ByteDance?
15 A. I am not.
16 Q. When did you stop working for ByteDance?
17 A. Within a year of starting. I don't remember
18 when I started, but I think I worked there portions of
19 2020 and portions of 2021.
20 Q. So what happened? Why did you leave
21 ByteDance?
22 A. They changed their policies regarding
23 need-to-license technology that one has control over.
24 I had a fair number of patents that I controlled at
25 that time, and they requested free licenses. And I

1 pretty much told them that that is not going to
2 happen. And that made things very, very tense. And
3 then I left.

4 Q. Okay. So when did you leave ByteDance?

5 A. I might get the year wrong and you could
6 verify all these things with my LinkedIn profile, I
7 think, where I try to keep a reasonable timeline
8 recorded.

9 I think it was in March of 2021.

10 Q. Do you think you were laid off at ByteDance?

11 A. Well, it came down to an ultimatum that I
12 did not accept. And, therefore, I don't know what to
13 call it, laid off or quitting. I simply told them I'm
14 not going to do it, and they told me that I would not
15 see a next paycheck. And that was it.

16 Q. Have you ever considered working for Apple?

17 A. I have. I know that at one point I reached
18 out to colleagues of mine who did work at Apple and
19 asked them about the situation of Apple and how they
20 like their jobs. I don't remember when it was.

21 At that time, there was not real interest
22 for the type of work that I was most enthusiastic
23 about, and when I realized that, I didn't really
24 pursue it any other.

25 But I keep in contact with at least one

1 former colleague of mine who works at Apple. And I
2 have at times discussed with him whether I should find
3 out what group would be interested in my work.

4 Q. So at the time that you were first
5 considering it, do you know what the time frame was?

6 Is that before you started working at PayPal
7 and Qualcomm or actually sort of in the timeline of
8 your career?

9 A. I think it was -- I know I was pitching Fat
10 Skunk to Apple in, I think, late 2012, maybe early
11 2013, and I was hoping that Apple would want to
12 acquire the company, in which case I, of course, would
13 have expected to join Apple.

14 We had at least one meeting during which
15 they -- the people I met with asked me to explain the
16 details of the approach that I had developed. There
17 might have been a second meeting, too; I don't
18 remember the details. I think it was the fall
19 of 2020 -- 2012 that this took place.

20 Q. And what happened to that pitch while you
21 were at Fat Skunk to Apple?

22 A. I -- I don't know what happened inside
23 Apple. They asked very good questions, and I was
24 happy with the answers I gave. But I think there was
25 not an alignment of the approaches. And I -- I think

1 we had a second meeting, but I'm not sure. And after
2 that, it petered out.

3 Q. Was the Fat Skunk pitch the same as the time
4 that you previously were talking about working for
5 Apple, or is that different?

6 A. That's one of the situations in which it
7 crossed my mind. I also reached out to colleagues of
8 mine. I think it was 2015 or 2016. But I don't
9 recall the details.

10 No. I remember visiting the new campus, so
11 we could at least date it by that. I don't know when
12 they finished that.

13 Q. But that was a separate time when you were
14 thinking about trying to work for Apple?

15 A. Yes.

16 Q. Okay. And it's distinct from the Fat Skunk
17 time?

18 A. Yes. Yes, definitely.

19 Q. Have you had any other times when you
20 contemplated working for Apple?

21 A. I've been interested in working for Apple as
22 an expert witness, but apart from that, I can't think
23 of any other times at this point.

24 Q. So the first time that you worked for
25 Apple -- I'm sorry.

1 The first time that you were contemplating
2 working for Apple was in connection with Fat Skunk;
3 correct?

4 A. Yes. That's correct.

5 Q. All right. And then Fat Skunk didn't turn
6 out the way that you would have preferred with Apple;
7 correct?

8 A. I don't know how to best describe it. Fat
9 Skunk required either a connection to the external
10 world from the perspective of the mobile device or the
11 use of a dedicated secure environment inside the
12 device.

13 And much of the technical obstacles were
14 related to the fact that one, to detect malware, would
15 have to execute processes on multiple processors at
16 the time. And a modern phone has a very large number
17 of processors, and this became a practical problem in
18 the context of deployment for Apple.

19 And it -- the angle from which Qualcomm saw
20 the world made the problem of multiple processors a
21 little bit less punishing, and so when they started
22 expressing an interest, I could see how that would be
23 easier and I spent more effort on the Qualcomm angle.

24 Q. So the work that you were doing at Fat Skunk
25 that you were talking to Apple about, when did the

1 discussions with Apple end?

2 A. I don't know. I think it was 2013, but it
3 could have been 2012.

4 Q. Okay. And then your first case against
5 Apple, as you recall, was Intertrust?

6 A. I think so, which was, I think, the summer
7 of 2013.

8 Q. So after your discussions terminated with
9 Fat Skunk, you began work as an expert for Intertrust
10 against Apple?

11 A. I wouldn't characterize it as right
12 afterwards and there is no causality there, but it was
13 maybe half a year apart.

14 Q. Now, the other time that you were talking
15 about when you contemplated working for Apple, did you
16 ever apply?

17 A. No, I did not. I was looking first for a
18 fit with group would be interested. I am not -- I'm
19 not an engineer who writes codes -- who writes code,
20 and, therefore, I -- my work is requiring a horizon of
21 about five years. And I wasn't sure that I would find
22 that for security within Apple, and I never identified
23 such an environment.

24 Q. So you were not able to identify an
25 environment for a fit within Apple --

1 A. Right.

2 Q. -- for yourself?

3 A. Now, that's based on conversations with a
4 small number of former colleagues and whom -- who are
5 working at Apple. And they, of course, would not know
6 all the groups and what was happening. But they did
7 not identify any group that had an overlap that was
8 sufficiently significant for me to pursue applying.

9 Q. So the colleagues that you had at Apple
10 didn't think there was anything -- any role that you
11 could have at Apple?

12 A. That's -- it was not their assessment. I
13 asked them to tell me what they could tell me about
14 what was going on, given, of course, that they did not
15 know everything that was going on, and they were
16 certainly not allowed to tell me everything that was
17 going on.

18 So they characterized the work at Apple by
19 describing what problems they thought were most
20 pressing. And from that, I determined that at that
21 time there was probably not a great fit and -- that I
22 could see at least.

23 Q. So you think -- it was your decision not to
24 apply to Apple, then?

25 A. Yeah.

1 Q. At the various companies -- so Fat Skunk you
2 were trying to sell the company to Apple.

3 Is that right?

4 A. I wouldn't say that I was trying to. I was
5 pitching, and there were no discussions about value or
6 things like that. I don't recall how I managed to
7 establish a contact with the folks that I met with at
8 Apple.

9 But they were definitely interested in
10 understanding the technology in order for them to
11 establish whether this was worth considering. That's
12 my understanding based on their -- the interaction I
13 had with them.

14 But I -- I never quite got to the matter of,
15 "Now let's" -- "let me sit down and discuss the price
16 with you." So it was presale.

17 Q. So when you were working at Fat Skunk, what
18 was your goal in the discussions with Apple?

19 A. First of all, to inform them about the
20 existence of the approach that I had developed because
21 it was an unconventional approach, and that was not in
22 line with what the large antivirus companies were
23 doing, and to try to establish whether there was a
24 reason to collaborate in any sense, including
25 acquisition, on the development of this.

1 Q. Were you trying to sell a product or a
2 service to Apple in connection with Fat Skunk?

3 A. I don't think I understand the question. It
4 was more like describing the technology that Fat Skunk
5 had developed. It wasn't a product, and it wasn't a
6 service.

7 It was more like we had a demo, and we could
8 explain how it worked, but at that point it would take
9 considerable effort to integrate it in any system. It
10 was more a proof of concept than anything else.

11 Q. For any of the other companies you worked
12 for, did you ever try and sell a product or a service
13 to Apple?

14 A. Not that I can think of.

15 Q. All right. For any of the other companies
16 that you worked for, did you ever also try to sell
17 technology to Apple?

18 A. That was simply not my role when I worked
19 for those other companies. I was doing research and
20 doing security analysis, and other people were doing
21 outreach to companies and effort to sell.

22 Q. Okay. We've been going for about an hour
23 now. Can we take maybe a five-minute break? Would
24 that work for you?

25 A. That's good. Actually, I'd like to take ten

1 because I have my dog here, and I'd like to take her
2 out.

3 Q. That would be fine.

4 A. Okay. See you soon.

5 THE COURT REPORTER: Off the record.

6 (OFF THE RECORD AT 11:08 a.m.)

7 (ON THE RECORD AT 11:22 a.m.)

8 THE COURT REPORTER: Back on the record.

9 BY MR. WOO:

10 Q. So, Dr. Jakobsson, how did you decide to
11 bring the case, the Carbyne case, against Apple?

12 A. I had already brought a case through another
13 predecessor entity against Samsung. And counsel that
14 I worked with had produced infringement charts right
15 to Apple -- to Apple and they had spoken with the
16 litigation funder and had everything lined up. And
17 they suggested to me that we should also bring a case
18 against Apple.

19 Q. Why did you bring the Carbyne case under a
20 different name?

21 A. It's rather complicated. I can give you
22 some of the detail, and you can ask for more if you
23 think it's relevant.

24 So at the time that the case was brought
25 against Samsung, the patents were residing in an

1 entity called RightQuestion. And RightQuestion was
2 both used as an IP holding company and as my
3 consulting company. And that was, in my view, a
4 structural beauty flaw. I'd rather have two
5 corporations. And, in fact, I'd rather have three
6 corporations where I spun out different IP to
7 different entities based on the importance and subject
8 matter and then have yet another entity from which I
9 do the consulting. So that's the essence of it.

10 Q. For the patents that were asserted in the
11 Carbyne case, where did those originate?

12 A. So before assertion against Apple, they
13 belonged to the entity called RightQuestion that was
14 asserting them or, rather, asserting patents from the
15 same family. I don't recall whether there was overlap
16 against Samsung.

17 Q. So the patents originated at RightQuestion?

18 A. No. There was yet another entity at first
19 where they were held, which was also a consulting
20 company. That company, I don't remember the details,
21 but it had something to do with filing some paperwork
22 that my CPA did not file that made the state of
23 California, in which the company was incorporated,
24 determine that the company was abandoned. And the
25 process of having the abandonment undone was just more

1 involved than to create a replacement company and to
2 transfer the IP in there.

3 So it was -- you could say that it was for
4 administrative reasons it was done the way it was.

5 Q. What was the name of that company?

6 A. Extricatus, E-X-T-R-I-C-A-T-U-S. Another
7 reason for the transfer was simply that nobody could
8 pronounce the name, including the founder, so we
9 decided that's a really stupid name.

10 Q. And did the -- I'm sorry. Go ahead.

11 A. So we just took care of two things at once.
12 We addressed the problems with the paperwork, and we
13 addressed the problems with the name by creating the
14 new corporation and transferring the assets at that
15 point.

16 Q. Did the Extricatus patents have any
17 connection to your work at Fat Skunk?

18 A. No.

19 Q. For this case, you've been working as an
20 expert for Proxense since October or November of 2024?

21 A. As I said before, I don't remember exactly
22 when, but approximately.

23 Q. How much money have you -- how much money
24 have you made in connection with your work in this
25 case?

1 A. I really don't know. I would have to look
2 at my billing sheets. I know it has not been very
3 intense. But I don't remember the details.
4 Q. What about ballpark? Was it over 100,000?
5 A. No, definitely not.
6 Q. Was it over 10,000?
7 A. Yes.
8 Q. Do you think 50,000?
9 A. Maybe. I don't know.
10 Q. You don't know?
11 A. (Nodding).
12 Q. Okay. Now, with respect to these present
13 IPR proceedings, you submitted two expert
14 declarations, one for each proceeding; correct?
15 A. Yes.
16 Q. All right. And in those declarations you
17 provide various opinions; correct?
18 A. Yes.
19 Q. To formulate your opinions for your
20 declarations, did you talk with anyone?
21 A. I spoke with counsel.
22 Q. Which counsel?
23 A. James Zak and David Hecht. And I think
24 there was yet one more colleague of theirs that I
25 spoke with, but I don't recall his name right now.

1 Q. Was that other colleague a lawyer as well?
2 A. I'm sorry. You cut out entirely. I don't
3 know what you said.
4 Q. Yes.
5 Was the other colleague a lawyer as well?
6 A. I believe so. Yes.
7 Q. So did you talk to anyone that was not a
8 lawyer in connection with your work on this case?
9 A. For scheduling purposes, yes, but I don't
10 remember the name of that person.
11 Q. Was that someone who worked with Mr. Zak or
12 Mr. Hecht?
13 A. Yes.
14 Q. At the same law firm?
15 A. I believe so. Yes.
16 Q. Okay. So besides the people at the Hecht
17 law firm, did you talk to anyone in connection with
18 your work on this case?
19 A. No, I don't think so.
20 Q. Did you talk to Charles Eldering in
21 connection with your work on this case?
22 A. I don't think I know who Charles Eldering
23 is.
24 Q. Okay. Charles Eldering actually provided a
25 declaration in support of Proxense's response in an

1 IPR proceeding for US Patent Number 9049188, which I
2 will refer to as the 188 patent. The 188 patent is
3 actually related to the 042 and the 289 patent at
4 issue in this IPR proceeding, and it has -- the 188
5 patent has very similar claims to the claims that are
6 now at issue in the IPR proceedings against the 042
7 and the 289 patents.

8 These claims use the terms receiver decoder
9 circuit and personal digital key and enablement
10 signal.

11 Do those terms sound familiar to you?

12 A. Those sound like similar terms to those in
13 the patents that I was reviewing.

14 Q. Dr. Eldering's declaration in the 188 patent
15 IPR includes his opinions on how the claim terms of
16 the related 188 patent should be construed.

17 In formulating your opinions as to the
18 meaning of the claim terms of the 042 and the 289
19 patents, would it have been helpful to you to know
20 how Dr. Eldering construed the claims in the related
21 188 patent?

22 A. I have not read the 188 patent so it's hard
23 for me to even speculate about that. I don't know.

24 Q. Were you provided with a copy of the 188
25 patent proceeding?

1 A. I do not believe I was.

2 Q. And you've never talked to Dr. Eldering
3 about his prior opinions on the 188 patent?

4 A. I have not talked to him about anything as
5 far as I know, and I don't know who he is.

6 Q. Okay. And the lawyers for Proxense never
7 mentioned Dr. Eldering to you?

8 A. No, not to my knowledge. Not by name, at
9 least. They said that there were other patents in the
10 case and the expert assigned to those patents, so I
11 knew of the existence of other experts, but I think
12 that is as far as my knowledge goes in terms of
13 Dr. Eldering.

14 Q. Did the lawyers identify to you who the
15 other experts were?

16 A. I'm sorry. Did you say something?

17 Q. Oh, yes. Sorry. I think we cut out.
18 Did the lawyers for Proxense identify to you
19 any of the other experts that had been involved in
20 these matters?

21 A. Not that I can recall.

22 Q. Did you ask the lawyers about who any of the
23 experts are for the Proxense matters?

24 A. I didn't. And it was only very recently
25 that I even learned that there were other patents in

1 the suit.

2 Q. Are you aware that the claim terms of the
3 042 and 289 patents have been construed by a District
4 Court?

5 A. No.

6 Q. Did the lawyers mention to you that a
7 District Court has construed the terms of the 289 and
8 042 patents?

9 A. No. Not that I recall.

10 Q. In formulating your opinions as to the
11 meaning of the claim terms of the 042 and 289 patents,
12 would it have been helpful to you to know about how
13 the District Court construed the claim terms?

14 A. I often don't find it very helpful to look
15 at somebody else's claim construction because if I do
16 it on my own, I review the specifications, for
17 example, and think about what people could have meant
18 by certain terms.

19 But in reviewing somebody else's claim
20 constructions, you rarely get that background. And so
21 it makes for -- it's quicker but less meaningful, and
22 I'd rather do meaningful work than quick work.

23 So I don't really see benefit in that. I
24 know that at times I've been involved with cases that
25 have already been brought against others prior to my

1 involvement. And then I -- I'm often given those
2 constructions but would not be bound to them.

3 It's informative in those contexts to know,
4 simply because it's likely that the newly brought case
5 will have the same construction simply for inheriting
6 it from the previous case, and that helps me consider
7 whether those claim constructions come with
8 liabilities.

9 But as for formulating the claims, claim
10 constructions, as such, I don't remember ever having
11 relied on other people's claim constructions.

12 Q. In connection with the District Court
13 litigation, are you aware that Proxense actually
14 provided briefing as to its understanding of the claim
15 terms?

16 A. No.

17 Q. Were you provided with any of the briefing
18 that Proxense had in the District Court case as to how
19 it believed the claim terms should be construed?

20 A. I don't remember seeing any. I would have
21 to look at the list of materials in my declarations to
22 see if I was. But if I was -- if I were provided with
23 them, they sure did not make a deep impression on me
24 because I can't remember anything related to this.

25 Q. Would it have been helpful to you to see the

1 positions that Proxense made with respect to the claim
2 construction in connection with your work on this
3 case?

4 A. I have no idea.

5 Q. Would you disagree with those constructions?

6 A. If I don't find them reasonable, but I
7 haven't seen them so it's hard to say.

8 Q. Did you ask Proxense for any of its
9 positions as to the claim terms of the patents?

10 A. I was not aware of what has been done in the
11 case and related cases previously. So I did not know
12 what to ask for even.

13 Q. And now you mentioned that you understood
14 Proxense had asserted other patents against Apple?

15 A. That is something I learned recently. Maybe
16 a week ago. But I don't know the exact numbers or the
17 substance of those patents.

18 Q. How did you learn about those other patents?

19 A. That was in prepping for the deposition with
20 counsel, James Zak.

21 Q. Was it this deposition?

22 A. Well, it's the one that we had scheduled for
23 the week prior to this. We have not had a phone call
24 after that --

25 Q. Are you --

1 A. -- for --
2 Q. I'm sorry. Go ahead.
3 A. -- for purposes of deposition prep --
4 preparation.
5 Q. Are you aware of what those other patents
6 are?
7 A. No. Other than that you told me that I
8 think it was 188 that was related in some way. That's
9 all I know.
10 Q. So you haven't reviewed any of those other
11 patents that Proxense is asserting against Apple?
12 A. No.
13 Q. Has Proxense asked you to work on any of
14 those other patents?
15 A. Not at this point.
16 Q. So besides these two proceedings that
17 involve the 042 patent and the 289 patent, both owned
18 by Proxense, have you been asked to help Proxense on
19 any other patents?
20 A. No. Unless there's fine print in my
21 agreement with them saying that I may be asked to do
22 that later, I -- I have not explicitly been asked to
23 do such work.
24 Q. So, as of now, you have not been asked by
25 Proxense to work on any other patents besides the 289

1 and the 042 patents?

2 A. That's correct.

3 Q. Can we take a break for about ten minutes,
4 please?

5 A. Sure.

6 MR. ZAK: Sure.

7 A. Before we do, before we leave, I'd also like
8 to take a break in about, I'd say, 50 minutes for
9 lunch for me.

10 Is that okay with you?

11 Q. That sounds good.

12 A. Okay. Great. Thank you.

13 THE COURT REPORTER: Off the record.

14 (OFF THE RECORD AT 11:43 a.m.)

15 (ON THE RECORD AT 11:51 a.m.)

16 THE COURT REPORTER: Back on the record.

17 BY MR. WOO:

18 Q. So, Dr. Jakobsson, between the breaks here,
19 did you confer with your counsel at all in the
20 deposition?

21 A. In the previous break, I gave him a call to
22 see if he thinks I'm doing okay. That is not -- that
23 is to talk about substance. Just if my pacing is
24 right, and sometimes it's easy to get wrapped up and
25 become unclear. So I just wanted to hear his view

1 whether my conveyance was proper.

2 Q. Okay. And what did he tell you?

3 A. He says it's fine.

4 Q. Okay. Any other discussions you had with
5 your counsel during break?

6 A. Just about our dogs.

7 Q. Okay. All right. So we have no further
8 questions.

9 A. Okay. I presume, James, that you don't want
10 to have a redirect?

11 MR. ZAK: Well, I just want to clarify a few
12 things on the record, if I may.

13 EXAMINATION

14 BY MR. ZAK:

15 Q. Dr. Jakobsson, you were asked if you had
16 prepared declarations with regards to the patents in
17 this proceeding.

18 Do you remember being asked that?

19 A. Yes.

20 Q. And I believe you said that you had prepared
21 declarations with respect to two patents.

22 Is that correct?

23 A. I -- I'm not sure that is what I said. I
24 think I said that I had prepared two declarations.

25 Q. And that was with respect to these

1 proceedings that we're currently discussing?

2 A. Yes, I believe so.

3 Q. Okay. Do you also recall that you've
4 prepared declarations for IPRs with respect to
5 Microsoft had brought against two of the patents at
6 issue here today?

7 A. Yes.

8 Q. And with respect to the Microsoft
9 declarations, do you remember that there was a third
10 patent?

11 A. I don't recall that right now.

12 Q. Oh, okay.

13 So, Dr. Jakobsson, you don't recall
14 preparing a declaration for the 960 patent in the
15 Microsoft IPR?

16 MR. WOO: Objection. Leading.

17 A. No, I do not remember the number, and I
18 didn't remember the details about the proceedings. I
19 remember preparing the declaration. I did not think
20 that is what opposing counsel was asking about.

21 MR. ZAK: Oh, okay. Thank you. I just
22 wanted to clarify that.

23 THE WITNESS: Yeah.

24 MR. ZAK: Other than that, I have no other
25 questions.

1 MR. WOO: And this is counsel. We have no
2 follow-up for redirect on that -- I'm sorry --
3 additional questioning afterwards.

4 THE COURT REPORTER: Off the record.

5 MR. WOO: Jill, can we get a rough
6 transcript when you have a chance?

7 MR. ZAK: And of course you know we would
8 ask for the same if possible.

9 THE COURT REPORTER: Sure. Will do.
10 (Whereupon, the deposition concluded at 11:58 a.m.
11 ET.)

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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury that the foregoing is true and correct.

Executed this _____ day of _____,
20____, _____.

C E R T I F I C A T E

I, the undersigned Certified Shorthand Reporter,
holding a valid and current license issued by the
State of California, do hereby certify:

I do hereby certify that the above and foregoing
transcript of proceedings in the matter aforementioned
was taken down by me in machine shorthand, and the
questions and answers thereto were reduced to writing
under my personal supervision, and that the foregoing
represents a true and correct transcript of the
proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor
of kin to the parties to the action, nor am I in
anywise interested in the result of said cause.

Dated: April 12th, 2025.



JILLIAN DOCTOR, RPR,
CERTIFIED REALTIME REPORTER

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