

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MAXELL, LTD.,

Plaintiff,

V.

Case No. 5:23-cv-00092-RWS

SAMSUNG ELECTRONICS CO.,

LTD., and SAMSUNG ELECTRONICS

AMERICA, INC.,

Defendants.

VIDEO-RECORDED EXPERT DEPOSITION OF
SETH JAMES NIELSON PHD
APPEARING REMOTELY FROM AUSTIN, TEXAS

FRIDAY, DECEMBER 20, 2024

9:01 AM EASTERN

REPORTED BY:

DENISE DOBNER VICKERY, CRR, RMR

APPEARING REMOTELY FROM WASHINGTON, DC

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8 Q. Is there a requirement in limitation
9 1[f], in your opinion, for the claimed device to
10 distinguish between a pad and an end of the
11 user's finger?

12 MR. JAY: Objection. Form.

13 THE WITNESS: Well, clearly the
14 modes are different or the first registering
15 mode is different from the second registering
16 mode. So in order to have a first mode and a
17 second mode, there would have to be a
18 distinction between them so that pad is
19 different from tip in order for there to
20 be -- or end, just to follow the claim
21 language -- in order to have the two separate
22 modes.

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Q. And I'm trying to understand, I guess, what makes a mode a mode to a person of ordinary skill in the art.

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Do you have an opinion on that?

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A. Well, I think the way that a person of ordinary -- a person of ordinary skill in the art sees a mode could be interpreted as a state.

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A state of the system is -- is a mode of the system, and so you could have a state of the system. If there was one, if the system had a state for being in -- inputting information by the pad of the finger or inputting information

1 by the end of the finger and it has these two
2 different states it can be in, you might have any
3 number of ways that you get into those states.

4 But this wouldn't be the same thing,
5 for example, like what we've got with the accused
6 products where there's only one state, and data
7 is all being collected within one state for
8 one -- one template that we're going to get to at
9 the end of the registration mode.

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