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

- - -

KIA CORPORATION; TOYOTA)
MOTOR CORPORATION,)
Petitioners,)
vs.) No. IPR2024-00981
EMERGING AUTOMOTIVE, LLC,) IPR2024-01167
Patent Owner.)
_____)

DEPOSITION OF
DR. SAM MALEK
Wednesday, June 25, 2025

Reported By:
MICHELLE K. BAILEY, RPR, CSR No. 10713
Job No. 7438895

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2	BEFORE THE PATENT TRIAL AND APPEAL BOARD	2	
3	---	3	WITNESS: DR. SAM MALEK PAGE
4	KIA CORPORATION; TOYOTA)	4	
5	MOTOR CORPORATION,)	5	EXAMINATION BY MR. HAGIZ 5
6	Petitioners,)	6	
7	vs.) No. IPR2024-00981	7	
8	EMERGING AUTOMOTIVE, LLC,) IPR2024-01167	8	E X H I B I T S
9	Patent Owner.)	9	(None)
10	_____)	10	
11		11	
12		12	PREVIOUSLY MARKED PAGE LINE
13		13	EXHIBITS:
14	Deposition of DR. SAM MALEK, taken on behalf	14	
15	of the Petitioners, beginning at 9:11 a.m., and	15	Exhibit 2029 6 6
16	ending at 11:19 a.m., on Wednesday, June 25, 2025,	16	Exhibit 1004 11 9
17	before MICHELLE K. BAILEY, RPR, CSR No. 10713.	17	Exhibit 2021 45 4
18		18	Exhibit 1005 45 23
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1	APPEARANCES:	1	WEDNESDAY, JUNE 25, 2025
2		2	9:11 A.M.
3	For the Petitioners:	3	
4	QUINN EMANUEL URQUHART & SULLIVAN, LLP	4	DR. SAM MALEK,
5	BY: MICHAEL LABAS, ESQ.	5	having first been duly sworn
6	RON HAGIZ, ESQ.	6	by the reporter, was examined
7	1300 I Street NW	7	and testified as follows:
8	Suite 900	8	
9	Washington, D.C. 20005	9	EXAMINATION
10	202.538.8109	10	BY MR. HAGIZ:
11	michaellabas@quinnemanuel.com	11	Q. Morning, Doctor. My name is Ron Hagiz. Also
12	-and-	12	with me today is Nicholas Eitsert, on behalf of
13	FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP	13	petitioners. I'll be asking you some questions today.
14	BY: NICHOLAS EITSERT, ESQ.	14	Now, you've been deposed before; is that right?
15	901 New York Avenue, NW	15	A. Yes, I have.
16	Washington, D.C. 20001	16	Q. And you understand that today's deposition is
17	202.408.4000	17	on a couple of declarations that you submitted in two
18		18	inter partes review proceedings?
19	For the Respondent:	19	A. Yes.
20	BUNSOW DE MORY, LLP	20	Q. And those are IPR2024-00981 and IPR2024-01167;
21	BY: BRENDA ENTZMINGER, ESQ.	21	is that right?
22	JERRY TICE, ESQ.	22	A. Yes.
23	701 El Camino Real	23	Q. Okay.
24	Redwood City, California 94063	24	Do you have copies of the declarations and the
25	bentzminger@bdiplaw.com	25	exhibits referenced in your declaration in front of you,
	Page 3		Page 5

1 or do you need me to upload them as we go through them? 2 A. I have them. 3 Q. Okay. Perfect. 4 Why don't we jump right in. I'd like to start 5 with your declaration in the 981 proceeding, which was 6 Exhibit 2029. Do you have that in front of you? 7 A. Sorry. Are you asking about my report or the 8 petition? 9 Q. Your declaration. 10 A. Yes. 11 Q. The IPR on the '188 patent, Exhibit 2029. 12 A. Yes. Yes, I have that. 13 Q. And so I want to start -- you offer some 14 opinions on the grounds based on the Kleve reference. 15 Do you remember that? 16 A. Yes. 17 Q. And in particular, there are limitations in the 18 claims that refer to the conditions of use of the 19 vehicle. Do you recall that? 20 A. Yes. 21 Q. And I'm going to try to save us a little bit of 22 time. You offer some similar opinions on Kleve 23 disclosure with respect to the claims on the '659 patent 24 and the 1167 IPR; correct? 25 A. Yes. Page 6	1 end time for the use of the vehicle; correct? 2 A. Yes. Time of the use of the vehicle, including 3 start and end time that they can use the vehicle, that 4 could be an example of restriction. 5 Q. And in the claims of the '188 and the '659 6 patents, at least one condition of use is transmitted 7 with the electronic key; right? 8 A. So are you asking me about the claims of '188 9 in terms of what they require? 10 Q. That's right. So in the claims of both the 11 '188 and the '659 patent, there are limitations that 12 require a condition of use be included with the 13 electronic key; correct? 14 A. Yes. I'm looking at, for example, claim 1A of 15 the '188 patent. It says, you know, part of that 16 claim -- element 1A says: "The request includes a 17 condition of use of the vehicle as set by the user via 18 user account." 19 Q. That's right. And that's referring to the 20 request. The next limitation, the generating 21 limitation, refers to the E key being assigned with a 22 condition of use with the vehicle; correct? 23 A. Yes. 24 Q. And the '659 patent, claim 1 of the '659, for 25 example, also refers to coded data that includes Page 8
1 Q. So I'll focus for now on your declaration in 2 the '188 proceeding. But let's start with the Kleve 3 reference. 4 And so in -- let me take a step back. 5 When we're referring to -- when the patent is 6 referring to conditions of use, those conditions of use, 7 that can include geographic restrictions on where the 8 vehicle can be used; correct? 9 A. The patent? Yes. Potentially. 10 Q. And the conditions of use in the '188 patent 11 and the '659 patent, those can be the speed 12 restrictions; correct? 13 A. Yes. I believe that's possible. 14 Q. And a speed restriction, that could be, for 15 example, how fast the car is allowed to go? 16 A. Yes. That's my understanding. 17 Q. And another condition of use can be an 18 occupancy restriction; correct? 19 A. I don't remember the patent talking about it. 20 I don't remember off the top of my head. 21 Q. What about a time frame of use? That can be a 22 condition on the user? 23 A. In the context of the patents, yes, that could 24 be a restriction. 25 Q. So that could include setting the start and the Page 7	1 privileged settings for limiting types of use; right? 2 MS. ENTZMINGER: Objection; form. 3 THE WITNESS: Sorry. What part of '659 claim 4 were you reading from? 5 BY MR. HAGIZ: 6 Q. If you look at claim 1 of the '659, the first 7 wherein limitation, the last clause there says: "The 8 coded data includes privileged settings associated with 9 the E key for limiting types of use of the vehicle when 10 using the E key with the vehicle." 11 Right? 12 A. Yes. It says that. 13 Q. And so now turning to your opinions on Kleve. 14 Your opinion is that in Kleve, the conditions of use are 15 not sent until after the E key is distributed; correct? 16 MS. ENTZMINGER: Objection; form. 17 THE WITNESS: So, yes. If I'm looking at 18 figure 2 of Kleve, I think, as I described in my report, 19 it shows step 210 involves reading virtual keys. And 20 then step 214, at a later point in time, the owner can 21 set the user restrictions by website or nomadic device. 22 That's step 214. 23 MR. HAGIZ: 24 Q. Okay. 25 And I'm -- and you're referring to paragraph -- Page 9

1 is that paragraph 48 of your declaration in the '188 2 patent proceeding? 3 A. Yes. I see that. 4 Q. So in your opinion, in Kleve, is the time frame 5 of use, is that also not set until step 214? 6 MS. ENTZMINGER: Objection; form. 7 THE WITNESS: Yeah. My understanding is that 8 the restrictions with respect to the vehicle are set by 9 the owner at step 214, and that could include, you know, 10 for example, the times that the car can be rented. 11 BY MR. HAGIZ: 12 Q. Okay. 13 So let me make sure I understand. Your 14 understanding of Kleve is that the time frame during 15 which the car can be operated, that can't be set until 16 step 214 in figure 2; is that right? 17 MS. ENTZMINGER: Objection; form. 18 THE WITNESS: So as I say in paragraph 51, you 19 know, here I say is another example. Rental period end 20 time is one of the user restrictions which is set by the 21 owner at the beginning of the rental term. That's step 22 214. And I go on to say that even if the rental period 23 was already agreed to by the parties in the rental 24 agreement. 25 /// Page 10	1 Kleve, including paragraphs 38, 39, and also paragraph 2 43. And in that paragraph 43, I'm quoting a statement 3 that talks about how at step 226, if the temporary user 4 decides that he may need to purchase additional rental 5 time, the system may update the new rental period end 6 time restriction and continue to monitor usage of the 7 vehicle." 8 BY MR. HAGIZ: 9 Q. Okay. Let's take those -- let's kind of take 10 those one at a time. 11 Paragraphs 38 and 49 of Kleve, those are -- 12 neither one of those paragraphs is discussing step 214 13 in figure 2; correct? 14 A. Those are -- no. They're not describing the 15 step 214, but they're providing context to help us 16 understand what step 214 entails. 17 Q. Okay. 18 Paragraph 40 of does describe step 214; right? 19 A. Yes, it does. 20 Q. And paragraph 40 does call out some specific 21 restrictions that can be set at step 214; correct? 22 A. It does talk about restrictions, yes. 23 Q. And the restrictions that are expressly 24 identified in paragraph 40 are speed, global position 25 coordinates, and low weight restrictions; right? Page 12
1 BY MR. HAGIZ: 2 Q. And in that paragraph, that portion you just 3 read, you referred to paragraph 40 of Kleve for your 4 understanding that rental period end time is one of the 5 user restrictions which is set by the owner at the 6 beginning of the rental term; correct? 7 A. I'm citing paragraph 40 there, yes. 8 Q. And do you have a copy of Kleve with you? That 9 was Exhibit 1004 -- sorry. Exhibit -- yeah. I think it 10 was either 1004 of the 00981 IPR. 11 A. Yes. I have a copy of Kleve. 12 Q. Can you turn to paragraph 40 of Kleve. 13 A. Okay. 14 Q. And so the free rental period end time, that 15 doesn't appear in paragraph 40, does it? 16 MS. ENTZMINGER: Objection; form. 17 THE WITNESS: So paragraph 40, it says -- the 18 first sentence it says: "At step 214, the owner may 19 have access to control usage of the vehicle being rented 20 by the temporary user." And then it goes on to say 21 that: "The owner may set user restrictions by the use 22 of the website or nomadic device." And then -- I mean, 23 this paragraph, paragraph 51 that I'm citing in my 24 report, I'm also -- as part of the same opinion, I'm 25 also pointing to language from other paragraphs in Page 11	1 MS. ENTZMINGER: Objection; form. 2 THE WITNESS: Well, it's giving those as 3 examples. It says it's not limited to that, but it's 4 giving those as examples. 5 BY MR. HAGIZ: 6 Q. Understood. 7 But at least the examples in paragraph 40 of 8 the user restrictions at step 214, those examples do not 9 include rental period end time. Agreed? 10 MS. ENTZMINGER: Objection to form. 11 THE WITNESS: Well, I mean, I think the 12 paragraph is generally describing how restrictions are 13 specified by the owner at step 214, and it's giving some 14 examples. And the examples that you read are the ones 15 that are mentioned in this sentence. 16 BY MR. HAGIZ: 17 Q. Right. 18 And rental period end time is not one of the 19 examples that's listed in paragraph 40 of Kleve; 20 correct? 21 MS. ENTZMINGER: Form. 22 THE WITNESS: It is -- yeah. I don't see those 23 same words there. But the paragraph is very clear that 24 the restrictions are not limited to those examples and 25 that, you know, the discussions of restrictions Page 13

1 specified elsewhere -- the opposer reading this would 2 realize that the restrictions described elsewhere in the 3 spec would also, similarly -- can be specified by the 4 owner at step 214. 5 BY MR. HAGIZ: 6 Q. Now, you also referenced paragraph 43 just 7 now -- or a few questions ago, you referred to paragraph 8 43, the additional support for your opinion on when the 9 time frame of use of the vehicle is set; correct? 10 MS. ENTZMINGER: Objection; form. 11 THE WITNESS: Yes. Paragraph 43 is also cited 12 in -- paragraph 43 of Kleve is also cited as part of the 13 opinion that I'm providing in paragraph 51 of my report. 14 BY MR. HAGIZ: 15 Q. And they're you're relying on the reference to 16 step 226 where the system may update the new rental 17 period end time restriction; correct? 18 MS. ENTZMINGER: Objection; form. 19 THE WITNESS: Well, yes. So the rest of this 20 paragraph 51 is describing what happens in steps 226 and 21 214. So at step 226, if the temporary user decides that 22 they need to purchase additional rental time, then 23 they -- then the process goes to step 214, where they 24 are able to, you know -- or, basically, the new rental 25 period end time restriction is modified at step 214. Page 14	1 Q. Okay. 2 So what prevents the user from accessing and 3 using the vehicle at step 210 before the time frame of 4 use has been set? 5 MS. ENTZMINGER: Objection; form. 6 THE WITNESS: I'm not sure I follow the 7 question. Sorry. 8 BY MR. HAGIZ: 9 Q. Yeah. Let me ask it slightly differently. 10 So the key is distributed in step 210 in 11 figure 2 in Kleve, but the restrictions on the time of 12 use are not set until step 214; correct? That's your 13 opinion? 14 A. Yeah. My opinion is that the virtual keys are 15 distributed at step 210. And according to figure 2 of 16 of Kleve, the restrictions are specified at rental time 17 in step 214. 18 Q. Okay. 19 So then there's some period of time between 20 steps 210 and steps 214 where the recipient of the 21 virtual key would be able to access the vehicle outside 22 of the agreed upon rental period; correct? 23 MS. ENTZMINGER: Objection; form. 24 THE WITNESS: So I think it is -- I mean, I 25 think it's possible that -- basically, what Kleve is Page 16
1 BY MR. HAGIZ: 2 Q. Right. 3 And in that example, step 214 is setting a new 4 or updated end time restriction; correct? 5 A. Well, at step 214, you're updating the new 6 rental period end time restriction. 7 Q. And so there would have been a previously set 8 end time restriction before that update happens? 9 MS. ENTZMINGER: Objection; form. 10 THE WITNESS: Presumably, yes. If you're 11 updating something, presumably there was another end 12 time there that you're modifying. 13 BY MR. HAGIZ: 14 Q. Okay. 15 Now, in Kleve, the virtual key is distributed 16 to the user, the renter. That happens at step 210; 17 correct? 18 MS. ENTZMINGER: Objection; form. 19 THE WITNESS: Sorry. You got cut up a little 20 bit. Can you repeat the question? 21 BY MR. HAGIZ: 22 Q. Yeah. In Kleve, the virtual key is distributed 23 to the user or the renter in step 210; correct? 24 A. Yes. Step 210 of Kleve is called "Distribute 25 Virtual Key." So that's where the distribution happens. Page 15	1 describing is that the virtual keys, yes, they could 2 be -- or they are available prior to the -- prior to the 3 start of the rental period. 4 BY MR. HAGIZ: 5 Q. So in your opinion, in Kleve's system, the user 6 can access the vehicle outside of the agreed upon rental 7 period? 8 MS. ENTZMINGER: Objection; form. 9 THE WITNESS: Well, I mean, it depends on what 10 you mean access. If you mean -- I think, generally 11 speaking, I would agree that -- and I think even Kleve 12 has disclosures where the user is able to, for example, 13 what appears to be that the user is able to accept the 14 rental agreements in the vehicle, which, basically, 15 means that the virtual keys are available before the 16 rental agreement is even agreed to. 17 BY MR. HAGIZ: 18 Q. Okay. 19 In terms of the user accepting the rental 20 agreement after entering the vehicle, are you referring 21 to paragraph 61 in your declaration? 22 MS. ENTZMINGER: Objection; form. 23 BY MR. HAGIZ: 24 Q. I guess let me ask more specifically. 25 Where is that in your declaration? What are Page 17

1 you referring to when you say Kleve allows you to -- 2 allows the user to accept the rental agreement after 3 after they're -- let me ask that question again. 4 What were you referring to when you said that 5 Kleve allows the user to accept the rental agreement 6 after entering the vehicle? 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: So I think I discuss that -- I 9 may discuss that in several places in my report. But I 10 think I discuss that in paragraph 81. Because I believe 11 Dr. Almeroth is offering an opinion that the -- in 12 Kleve, virtual key is always generated after the rental 13 agreement. And then I say in this paragraph 81 that 14 Kleve teaches that a virtual key may be created and 15 distributed to the temporary user and used by the 16 temporary user to access the vehicle before the 17 temporary user agrees to rental terms. And then I'm 18 citing to some paragraphs from Kleve. 19 BY MR. HAGIZ: 20 Q. So you're referring to paragraph 65 to 67 in 21 Kleve; correct? 22 MS. ENTZMINGER: Objection; form. 23 THE WITNESS: Yes. I believe those are the two 24 paragraphs that I've cited here. 25 /// Page 18	1 MS. ENTZMINGER: Objection; form. 2 THE WITNESS: I mean, I think there is -- I 3 think there is certain aspects of these paragraphs. 4 Yeah. I think one aspect that is being discussed in 5 these paragraphs is about credential verification. 6 BY MR. HAGIZ: 7 Q. Okay. 8 Is there an aspect of those paragraphs that you 9 think is not referring to the credential verification 10 process? 11 MS. ENTZMINGER: Objection; form. 12 THE WITNESS: I mean, there are various 13 statements here that may be related to credential 14 verification. But there's other disclosures here, like 15 the virtual key credential can be collected via e-mail, 16 phone message, or other established method, and things 17 like that. So there are other disclosures here that, 18 you know, may not be necessarily directly related to the 19 verification step. 20 BY MR. HAGIZ: 21 Q. Let me ask -- take a step back. 22 In Kleve, are the authorization credentials for 23 the virtual key, are those the same thing or are those 24 referring to different things? 25 MS. ENTZMINGER: Objection; form. Page 20
1 BY MR. HAGIZ: 2 Q. Okay. 3 And in paragraph 66 specifically, Kleve says: 4 "When the scheduled rental period of time begins, the 5 vehicle owner may send credentials to the vehicle with 6 the use of a server (506), and the vehicle may be able 7 to receive the information using a wireless device 8 (514)." 9 Do you see that? 10 A. You read from paragraph 66? 11 Q. That's right. 12 A. Yes. 13 Q. That sentence in paragraph 66; correct? 14 A. Yes, I see that. 15 Q. So the process that's described in paragraph 65 16 to 67 in Kleve, that's happening at the beginning of the 17 scheduled rental period of time; correct? 18 MS. ENTZMINGER: Objection; form. 19 THE WITNESS: I wouldn't take that sentence and 20 say that everything in paragraph 65 to 67 -- that that 21 statement applies to everything in those paragraphs. 22 BY MR. HAGIZ: 23 Q. Well, let me ask a slightly different question. 24 Paragraphs 65 to 67 in Kleve, those are 25 describing credential verification process; right? Page 19	1 THE WITNESS: Can you point me to specific 2 example that you're referring to? 3 BY MR. HAGIZ: 4 Q. So paragraph 62, which you discuss in your 5 declaration, refers to vehicle authorization 6 credentials. And the sentence that begins in step 502 7 in paragraph 62, do you see that? 8 A. Yes, I see that. 9 Q. And then paragraph 65 also refers to temporary 10 user credentials; right? 11 MS. ENTZMINGER: Objection; form. 12 THE WITNESS: You said paragraph 65? 13 BY MR. HAGIZ: 14 Q. That's right. 15 A. I see the statement saying an example for 16 applying temporary user credential verification. I see 17 that. 18 Q. Right. 19 And so are those credentials, are those the 20 same as the virtual key or are those separate from the 21 virtual key? 22 MS. ENTZMINGER: Objection; form. 23 THE WITNESS: From my understanding, what is 24 described in paragraph 65 is that it's performing 25 temporary user credential verification. So, you know, Page 21

1 my understanding is that it's describing verification of 2 the virtual key. 3 BY MR. HAGIZ: 4 Q. My question is slightly different. Is the 5 virtual key, is that something separate from the 6 credentials, or are the credentials -- can the 7 credentials themselves be the virtual key? 8 MS. ENTZMINGER: Objection; form. 9 THE WITNESS: Well, I think Kleve discloses 10 that the virtual key is based on credentials and, at 11 least I think in some disclosures, it could be the 12 credential itself. And, you know, I think it has 13 different embodiments. But it has, for example, 14 embodiments for -- you know, it could be, for example, 15 even things like facial recognition, you know, voice 16 recognition, and things like that, or it could be the 17 credential. But, basically, the virtual key is 18 generated or is based on credentials. It seems like it 19 can be the credential itself in some embodiments. 20 BY MR. HAGIZ: 21 Q. But at least in some embodiments, the 22 credentials and the virtual key can be separate things; 23 right? 24 MS. ENTZMINGER: Objection; form. 25 THE WITNESS: I have to look at Kleve. I don't Page 22	1 settings, yes. 2 BY MR. HAGIZ: 3 Q. Okay. 4 And what's your understanding of the term 5 "preset" here? Is that manually set by the user? Is it 6 something that's set by the vehicle? 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: Well, as I say here, these are 9 preset by the user and transferred directly from the 10 user's phone. And as I've gone to describe here is that 11 I don't think there's any disclosure in Kleve that these 12 are somehow inputs or settings that have been examined 13 to identify patterns. And then, also, there are no 14 disclosures in Kleve that this is happening by a server 15 to determine some patterns to provide recommendations 16 for those settings. 17 BY MR. HAGIZ: 18 Q. Well, let's take a look. You cite to 19 paragraph 50 and paragraph 72 in paragraph 96 of your 20 declaration; right? 21 A. Yes. 22 Q. And so turning to paragraph 72 first, 23 paragraph 72 includes the reference to pairing the 24 user's phone with the vehicle control system, the VCS in 25 Kleve; right? Page 24
1 recall right now if it discloses the details of how 2 credentials are -- I don't know all the different 3 embodiments that it has. But I do remember that -- at 4 least based on what I remember, you know, in some cases, 5 the credential essentially is the virtual key. 6 BY MR. HAGIZ: 7 Q. Can we take a five-minute break. My computer 8 is spazzing out and my monitor just stopped working, and 9 I need to try to fix it. 10 A. Sure. 11 (Recess) 12 BY MR. HAGIZ: 13 Q. So, Dr. Malek, just going back to the virtual 14 key and the credentials -- actually, we'll move on. 15 In -- I want to turn to a different topic. In 16 beginning of paragraph 96 of your declaration on '188 17 patent, you offer some opinions on claim 17; correct? 18 A. Paragraph 96? 19 Q. Yeah. Beginning in paragraph 96. 20 A. Yes. 21 Q. All right. And in paragraph 96, specifically 22 you're discussing Kleve's disclosure of vehicle preset 23 settings. Do you see that? 24 MS. ENTZMINGER: Objection; form. 25 THE WITNESS: I see the discussion about preset Page 23	1 MS. ENTZMINGER: Objection; form. 2 THE WITNESS: This paragraph is talking 3 about -- yes. Among others, it is talking about the 4 user's -- the temporary user's nomadic device may be 5 paired with the VCS. 6 BY MR. HAGIZ: 7 Q. And in this -- in the example in paragraph 72, 8 the settings that are sent from the user's nomadic 9 device, those include radio station presets, navigation 10 routes, and/or preferred climate control settings; 11 right? 12 MS. ENTZMINGER: Objection; form. 13 THE WITNESS: I mean, those are some of the 14 examples that are provided, yes. 15 BY MR. HAGIZ: 16 Q. Okay. 17 Frequent destinations is not one of the 18 examples that is provided in paragraph 72; correct? 19 MS. ENTZMINGER: Objection; form. 20 THE WITNESS: No. Frequent destinations shows 21 up in paragraph 50. 22 BY MR. HAGIZ: 23 Q. Right. 24 And paragraph 50 specifically refers to stored 25 frequent destinations; right? Page 25

1 MS. ENTZMINGER: Objection; form. 2 THE WITNESS: Yes. I see that. 3 BY MR. HAGIZ: 4 Q. Paragraph 50 doesn't have any reference to 5 user's nomadic device or phone; correct? 6 MS. ENTZMINGER: Objection; form. 7 THE WITNESS: Well, paragraph 50 doesn't use 8 the words "nomadic device." But I think paragraph 50 9 and paragraph 72 are related because both of these 10 paragraphs are talking about how the user specified 11 presets are transferred to the VCS. I think paragraph 12 72 makes it clear that it's through the nomadic device. 13 Paragraph 50 doesn't specify that. But I think these 14 are all kind of describing, essentially, the same aspect 15 of Kleve. 16 BY MR. HAGIZ: 17 Q. Paragraph 50, that's describing a step of a 18 process that's illustrated in Figures 3A and 3B; 19 correct? 20 MS. ENTZMINGER: Objection; form. 21 THE WITNESS: So paragraph 50, it says at 324. 22 I see 324 as a step in figure 3B. 23 BY MR. HAGIZ: 24 Q. Right. 25 And figure 3 -- if you look at paragraph 46, I Page 26	1 Do you see that? 2 MS. ENTZMINGER: Objection; form. 3 THE WITNESS: Yes, I see that. 4 BY MR. HAGIZ: 5 Q. It doesn't say it's the same embodiment as 6 figure 3. 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: Well, I mean, it doesn't say that 9 it's a different embodiment. 10 BY MR. HAGIZ: 11 Q. Okay. 12 It doesn't say that it's the same embodiment; 13 right? 14 MS. ENTZMINGER: Objection; form. 15 THE WITNESS: My review of this doesn't 16 indicate to me that they are different embodiments. I 17 think this is just describing the same embodiment from 18 different perspectives. 19 BY MR. HAGIZ: 20 Q. Okay. 21 So your opinion is that figure 3 and figure 6 22 are describing the same embodiment; is that right? 23 MS. ENTZMINGER: Objection; form. 24 THE WITNESS: So figure 3 is describing -- it 25 says -- so figure 3B is describing the monitoring and Page 28
1 believe, figure 3 is an example method -- is one example 2 method that's disclosed in Kleve; right? 3 MS. ENTZMINGER: Objection; form. 4 THE WITNESS: Yeah. It does say that figure 3 5 is a flowchart illustrating an example method of a 6 vehicle -- a rental micro business. 7 BY MR. HAGIZ: 8 Q. And then paragraph 72 of Kleve, that's 9 describing step 624 that's illustrated in figure 6; 10 correct? 11 MS. ENTZMINGER: Objection; form. 12 THE WITNESS: I see that step 624 is shown in 13 figure 6, yes. 14 BY MR. HAGIZ: 15 Q. All right. 16 And figure 6 is a different exemplary 17 embodiment of Kleve; right? 18 MS. ENTZMINGER: Objection; form. 19 THE WITNESS: I don't see it saying that this 20 is a different embodiment. 21 BY MR. HAGIZ: 22 Q. Paragraph 69 says: "Figure 6 is an exemplary 23 embodiment of a vehicle rental micro business 24 distributing and controlling virtual keys using a 25 nomadic device of the vehicle." Page 27	1 control features of Kleve, and figure 6 is describing 2 the authorization process. My understanding is that 3 these are describing different aspects of the same 4 embodiment. 5 BY MR. HAGIZ: 6 Q. I want to circle back to a topic we covered 7 earlier. Going back to paragraphs 65 to 67 in Kleve, 8 which up I believe you referenced in paragraphs 81 to 82 9 of your declaration of the '188 patent. Do you remember 10 that? 11 MS. ENTZMINGER: Objection; form. 12 THE WITNESS: Paragraph 65 to 66 of Kleve that 13 are discussed in what paragraphs in my report? 14 BY MR. HAGIZ: 15 Q. Paragraphs 81 to 82 in your '188 declaration. 16 A. 81 to 82. Yes. 17 Q. And if I understood you directly, you were 18 relying on paragraphs 65 to 67 for your understanding 19 that in Kleve, the user can access the vehicle before 20 agreeing to the rental terms. Did I understand that 21 correctly? 22 MS. ENTZMINGER: Objection; form. 23 THE WITNESS: I'm citing paragraphs 65 and 67 24 of Kleve for the -- yeah, for the opinion that is in 25 paragraph 81 of my report. Page 29

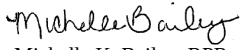
1 BY MR. HAGIZ: 2 Q. Well, I guess I want to make sure I'm 3 understanding more specifically. Are you relying on 4 paragraph 65 to 67 for your understanding that Kleve 5 system allows the user to access the vehicle before 6 agreeing to rental terms? 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: I mean, I'm citing paragraph 65 9 and 67. 10 BY MR. HAGIZ: 11 Q. Right. 12 But I just want to make sure that I understand 13 your opinion. Let me break it down. 14 Your opin- -- you offered an opinion that in 15 Kleve system, the user can access the vehicle before 16 agreeing to the rental terms; is that right? 17 MS. ENTZMINGER: Objection; form. 18 THE WITNESS: Yeah. I mean, as I say, I think, 19 in this paragraph: "Kleve teaches that a virtual key 20 may be created and distributed to a temporary user and 21 used by the temporary user to access the vehicle before 22 the temporary user agrees to rental terms." 23 And I'm citing to paragraph 65 and 67 from 24 Kleve. 25 /// Page 30	1 the vehicle already? 2 MS. ENTZMINGER: Objection; form. 3 THE WITNESS: Well, I mean, I think reading 4 paragraph 65, a person would understand that for a 5 temporary user to be able to agree to rental terms, they 6 have to be granted first access to, you know, the 7 vehicle. And in paragraph 65 is describing how that is 8 happening through the temporary user credential 9 verification. 10 BY MR. HAGIZ: 11 Q. Okay. 12 But what specifically -- where are you getting 13 the understanding that in order for the temporary user 14 to accept the rental terms, they first have to be given 15 access to the vehicle? 16 MS. ENTZMINGER: Objection; form. 17 THE WITNESS: Well, I think it's just my 18 understanding -- it's, basically, what is disclosed 19 paragraph 65 and 67. It talks about applying temporary 20 user credential verification, which, my understanding, 21 means, essentially, verification of the virtual key. 22 And then it describes how the user is then able to use 23 the vehicle to agree to rental terms. 24 BY MR. HAGIZ: 25 Q. Well, so paragraph 65 is discussing the use of Page 32
1 BY MR. HAGIZ: 2 Q. Okay. 3 So, I guess, my question is, what specifically 4 in paragraph 65 and 67 indicate that a user can access 5 the vehicle before agreeing to the rental terms? 6 MS. ENTZMINGER: Objection; form. 7 THE WITNESS: Well, I mean, paragraph 65, I 8 think we talked about this earlier, it's talking about 9 how temporary user credential, you know, is verified, 10 which, my understanding that that -- that statement 11 about applying temporary user credential verification at 12 a vehicle, I understand that to be, basically, you know, 13 validating the virtual key. And then it goes on to say 14 that the user is then able to use the vehicle, you know, 15 is able to, for example, use the VCS and some other 16 software/hardware elements that are described there. 17 Are and then as part of that, you know, once they are 18 accessing -- once they're given access to the vehicle, 19 then they're also able to, among other things, agree to 20 rental terms. 21 BY MR. HAGIZ: 22 Q. Right. So I guess that's my question. 23 What in paragraph 65 or 67 indicate that the 24 user can -- that it is possible for the user to only 25 agree to the rental terms after the user has accessed Page 31	1 the credentials to agree to the rental terms; right? 2 MS. ENTZMINGER: Objection; form. 3 THE WITNESS: Well, credentials is your -- as I 4 said, my understanding is that that is verification 5 of -- temporary user's credentials essentially is a 6 verification -- my understanding is it's a verification 7 of the virtual key. Because that's what Kleve 8 discloses, is that the credentials could be virtual key. 9 And so -- and agreeing to rental terms is not part of 10 verification of virtual keys. That's something that 11 happens after you've been verified, according to what I 12 understand from paragraphs 65 and 67. So the virtual 13 key is verified, and then the user is able to agree to 14 rental terms. 15 BY MR. HAGIZ: 16 Q. I guess that's my question. What specifically 17 in paragraph 65 or 67 are you relying on for the 18 understanding that the rental terms are agreed to after 19 the temporary user's credentials are verified? 20 MS. ENTZMINGER: Objection; form. 21 THE WITNESS: Yes. Paragraph 65 and 67, they 22 describe how the temporary user credential can be 23 verified at the vehicle, and then they also describe how 24 the temporary user can agree to rental terms. You know, 25 and they can do so by accessing the vehicle. Page 33

1 BY MR. HAGIZ: 2 Q. So I guess let me ask more specifically. Can 3 you read to me the specific language in paragraph 65 4 that you are relying on for your understanding that the 5 temporary user can agree to the rental terms after 6 verifying his credentials? 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: So I think I described this also 9 in my report in more detail. For example, paragraph 45 10 of my report, I say here that -- I say here that: 11 "Kleve system" -- and I'm reading from paragraph 45. 12 "Kleve's system also discloses that the virtual key may 13 already be distributed to the temporary user and the 14 temporary user does not agree to rental terms until 15 they've already entered the vehicle (using vehicle 16 hardware to agree to terms)." 17 So, basically, I think a POSITA would read 18 paragraph 65 and would realize that agreeing to rental 19 terms is not a method of verifying user's credentials. 20 And so paragraph 65 is talking about temporary user 21 credential verification, which is the verification and 22 validation of the virtual key, and then it's also 23 talking about how the user is able to use the vehicle to 24 agree to rental terms. And I think, you know, putting 25 those disclosures together, a POSITA would understand Page 34	1 vehicle is the one who has the user account, not the 2 owner of the vehicle; is that right? 3 MS. ENTZMINGER: Objection; form. 4 THE WITNESS: Are you talking about for the -- 5 I mean, I think Zaid is talking about, you know, 6 Facebook, like social media accounts. And so -- and my 7 understanding is that Dr. Ameroth is pointing to the 8 user account of the renter when he identifies the 9 request. 10 BY MR. HAGIZ: 11 Q. Right. And I just want to just make sure I 12 understand it. In your opinion, in Zaid's system, the 13 owner of the vehicle does not need to have a user 14 account on the social networking site; is that right? 15 MS. ENTZMINGER: Objection; form. 16 THE WITNESS: I don't think that's an opinion 17 that I've offered, that the owner of the vehicle -- like 18 I don't think I've offered an opinion that Zaid 19 discloses that the owner of the vehicle does not have an 20 account on a social media website. 21 BY MR. HAGIZ: 22 Q. So if the -- if the renter -- continuing on. 23 In paragraph 140 -- sorry. Continuing with your opinion 24 in paragraph 114, you refer to the -- well, let me ask 25 it a little differently. Page 36
1 from paragraph 65 and 67 that Kleve is teaching an 2 embodiment where the virtual key is validated, and then 3 the user is able to agree to rental terms at the 4 vehicle." 5 BY MR. HAGIZ: 6 Q. Let's move on to Zaid. And I want to jump 7 specifically to your discussion of the user accounts 8 beginning in and around paragraph 111 of your 9 declaration of '188. 10 A. Paragraph 111? 11 Q. Yeah. Well, I'm going to start with 12 paragraph 114. But that section begins at 13 paragraph 111. Let me know when you're there. 14 A. I'm there. 15 Q. And if I understand, your opinion is that in 16 Zaid's system, the user account is associated with the 17 renter of the vehicle, not the owner of the vehicle; is 18 that right? 19 MS. ENTZMINGER: Objection; form. 20 THE WITNESS: I'm sorry. Can you repeat the 21 question? 22 BY MR. HAGIZ: 23 Q. Yeah. 24 If I understand your opinion correctly, you 25 believe that in Zaid's system, he -- the renter of the Page 35	1 So in Kleve's system, specifically in 2 paragraph 72 -- sorry. Let me start that over. 3 Reorient my brain. 4 In Zaid's system, and specifically referring to 5 paragraph 72 of Zaid, which you're discussing in 6 paragraph 114 of your declaration, in Zaid's system, a 7 user can use their social networking or Facebook account 8 to view an advertisement for a vehicle and make a 9 reservation; is that right? 10 MS. ENTZMINGER: Objection; form. 11 THE WITNESS: I mean, I do talk about how Zaid 12 describes logging into an account, such as Facebook, to 13 view an advertisement, yes. 14 BY MR. HAGIZ: 15 Q. And when Zaid's user makes a reservation, is 16 that automatic or does the owner -- is the owner able to 17 accept or reject the reservation? 18 MS. ENTZMINGER: Objection; form. 19 THE WITNESS: I mean, I can go through Zaid in 20 more detail. But I don't remember Zaid describing those 21 details? 22 BY MR. HAGIZ: 23 Q. Sure. 24 Well, let me put it this way. If you continue 25 in still paragraph 114 of your declaration, at the top Page 37

1 of the page 58, you cite to a statement or you quote a 2 statement from Zaid that discusses the owner having 3 control over the type of user the owner is 4 lending/sharing/renting a vehicle to. Do you see that? 5 A. I see that, yes. 6 Q. So if the owner has control over the type of 7 user that he's lending to, then the owner needs to be 8 able to accept or reject reservations from different 9 users; right? 10 MS. ENTZMINGER: Objection; form. 11 THE WITNESS: I'm sorry. Can you repeat the 12 question? I lost it. 13 BY MR. HAGIZ: 14 Q. Yeah. 15 In order for the owner to have control over the 16 type of user that he's lending or sharing or renting the 17 vehicle to, the owner needs to be able to accept or 18 reject reservations from different users; right? 19 MS. ENTZMINGER: Objection; form. 20 THE WITNESS: I think Zaid is disclosing an 21 advertiser/owner being able to obtain tracking data for 22 the account users have clicked on. For example, how 23 much traction or how much engagement you've had with 24 your ad. I don't think Zaid is disclosing, you know, 25 the details beyond that. Page 38	1 paragraph -- or on page 57 onto page 58, a POSITA would 2 understand from these disclosures that a vehicle owner 3 may have an advertisement of their vehicle on other 4 Facebooks accounts and may even maintain data to retain 5 some control over the type of user the owner is 6 lending/sharing/renting the vehicle to. But when a user 7 clicks on that ad to make a reservation, there is no 8 reason to conclude the reservation is from the owner via 9 the owner's account, the alleged user account. So 10 that's my understanding of Zaid. Beyond that, if you're 11 asking about some specific details in Zaid, I think it 12 would be helpful to point me to it because I, you know, 13 don't have the entire reference memorized. But I don't 14 recall Zaid going into a lot of details about sort of 15 the questions that you're asking me about. 16 BY MR. HAGIZ: 17 Q. Well, so I guess that's my question. Do you 18 have an opinion -- have you offered an opinion on 19 whether or not, in Zaid, when the user clicks on an 20 advertisement to make a reservation, whether the owner 21 is able to reject that request? 22 MS. ENTZMINGER: Objection; form. 23 THE WITNESS: I mean, I just searched Zaid. I 24 don't see the word "reject" showing up in this document. 25 /// Page 40
1 BY MR. HAGIZ: 2 Q. Okay. I guess let me ask it slightly 3 differently. 4 Is it your understanding that in Zaid's system, 5 a user can click on an ad and unilaterally make a 6 reservation without the owner's consent? 7 MS. ENTZMINGER: Objection; form. 8 THE WITNESS: I mean, I don't recall Zaid using 9 those words in describing the invention. So, I mean, 10 Zaid is describing owners being able to put ads for 11 vehicle rentals and renters being able to see those ads 12 and rent vehicles in that fashion. I don't think Zaid 13 goes through sort of the lower level details of the 14 processes that are involved in that process. 15 BY MR. HAGIZ: 16 Q. I guess my question is a little different. 17 Would a POSITA reading Zaid understand the 18 system to allow a user to click on an advertisement and 19 make a reservation without the owner having the ability 20 to accept or reject that reservation? 21 MS. ENTZMINGER: Objection; form. 22 BY MR. HAGIZ: 23 Q. Or do you not have an opinion on that? 24 MS. ENTZMINGER: Objection; form. 25 THE WITNESS: I mean, as I state here in Page 39	1 BY MR. HAGIZ: 2 Q. Do you have an opinion -- based on your review 3 of Zaid in its entirety, do you have an opinion as to 4 whether a POSITA would understand the owner to be, in 5 Zaid's system, able to reject reservation requests? 6 MS. ENTZMINGER: Objection; form. 7 THE WITNESS: I would have to review Zaid in 8 detail. But right now just searching for "reject," I 9 don't see a hit for it. And as I said, you know, I 10 think an advertisement, the owner may have some control 11 over the ad. You know, they can get some information 12 about the ad. They can, you know, potentially specify 13 some properties about the advertisement. I don't see a 14 discussion of reject, rejecting, or rejection of 15 reservations. 16 BY MR. HAGIZ: 17 Q. So you don't have an opinion one way or the 18 other whether, in Zaid's system, the owner would be able 19 to reject a reservation request? 20 MS. ENTZMINGER: Objection; form. 21 THE WITNESS: Well, I mean, at the bottom of 22 paragraph 72 in Zaid, it talks about how a tracking 23 mechanism can be established to track group number, 24 driving history, and reputation, and allow the vehicle 25 owner to have better control over the type of user the Page 41

1 owner is lending/sharing/renting vehicle to. 2 BY MR. HAGIZ: 3 Q. So does that mean the owner can reject 4 reservations based on that information? 5 MS. ENTZMINGER: Objection; form. 6 THE WITNESS: It doesn't disclose that. 7 It's -- I think this sentence is more describing -- my 8 understanding is that it's describing how it can track 9 information about the type of users that are lending, 10 sharing, or renting the vehicle, which might be more 11 like sort of the analytics type of stuff that it can 12 collect. I don't think this is -- I think what you're 13 asking me is something more explicit where the renter 14 maybe clicks on an ad, and then there's some kind of a 15 dialogue, some kind of interaction with the owner, 16 whereas, part of that dialogue with the owner, the owner 17 can decide to allow or reject the rent of the vehicle, 18 or the rental of the vehicle. I don't think Zaid 19 discloses that kind of -- it doesn't have those kind of 20 disclosures. It doesn't disclose something like that. 21 I believe he's just saying that you can collect -- you 22 can track information. You can track information about 23 group member, driving history, and reputation. And, you 24 know, that allows the vehicle owner to have some say, I 25 guess, or collect some information about to which types Page 42	1 MS. ENTZMINGER: Objection; form. 2 THE WITNESS: I mean, that could be it; right? 3 That's my impression of what I'm reading here. It 4 says -- you know, it says: "For example, a tracking 5 mechanism can be established to track group number, 6 driving history, and reputation, and allow the vehicle 7 owner to have better control over the type of user the 8 owner is lending/sharing/renting vehicle to." 9 So, for example, you could say I'm interested 10 to rent this vehicle only to people of certain 11 characteristics. You know, I think Facebook doesn't 12 have driving history and things like that. But if it 13 did, you could say I'm only interested in advertising to 14 people that have a good driving history. 15 BY MR. HAGIZ: 16 Q. Okay. 17 Let's shift gears and move to '659 patent. Do 18 you want to keep going or do you want to take a short 19 break? 20 A. I can take a short break, if you don't mind, 21 like a five minute break. 22 Q. Yeah. No problem. 23 A. Thanks. 24 (Recess) 25 /// Page 44
1 of users the owner wants to rent the vehicle to. I -- 2 so that's the extent of disclosure, I think, in Zaid 3 about this issue. 4 BY MR. HAGIZ: 5 Q. So if the owner only has access to analytical 6 information about people who read the ad, how does that 7 let the owner control who actually rents the vehicle? 8 MS. ENTZMINGER: Objection; form. 9 THE WITNESS: Well, because when you advertise 10 on these social media platforms, you can target your ad 11 for special -- for specific groups. So, for example, if 12 you advertise on Facebook, Facebook gives you features 13 that allow you to target your ad towards retired people, 14 or teenagers, or -- and then Facebook has analytics that 15 collects that kind of information. It can categorize 16 and classify the users. And so I think analytics would 17 allow you to determine how you would like to set up your 18 ad. 19 BY MR. HAGIZ: 20 Q. Okay. 21 So when Zaid refers to control over the type of 22 user the owner is lending/sharing/renting a vehicle to, 23 you think that's referring to targeted advertising at 24 least for who sees the ad in the first place; is that 25 right? Page 43	1 BY MR. HAGIZ: 2 Q. Let's pick back up. So I want to switch gears 3 to your declaration in the 1167 IPR, which was 4 Exhibit 2021 of that proceeding. Do you have that in 5 front of you? 6 A. Yes. 7 Q. All right. 8 And let's jump straight down to paragraph -- to 9 the section that starts in paragraph 126 on page 64. 10 A. Okay. 11 Q. And in that section, you're talking -- you're 12 discussing Mikan -- I think it's pronounced Mikan -- and 13 specifically the operation of the master and global 14 databases, among other things; correct? 15 A. Yes. 16 Q. Okay. 17 So I just want to walk through that. So in 18 Mikan, the vehicle operation policies -- and if it 19 helps, I'm referencing paragraphs 81 through 84 of Mikan 20 right now, in case you want to have that open as well. 21 A. 81? 22 Q. Yes. Page 17 of Mikan, which is, I think, 23 Exhibit 1007. And I'm looking at paragraphs 81 to 84 24 for my next few questions. 25 A. Okay. I'm there. Page 45

1 Q. So in Mikan, the vehicle operation policies, 2 those are initially stored in a master database; 3 correct? 4 MS. ENTZMINGER: Objection; form. 5 THE WITNESS: I think the master database has 6 the -- sort of the authoritative version of the 7 policies, yes. 8 BY MR. HAGIZ: 9 Q. Right. 10 And the master database, that is not on the 11 vehicle; correct? 12 MS. ENTZMINGER: Objection; form. 13 THE WITNESS: Yes. My understanding is that 14 the master database is not on the vehicle. It's on the 15 server, I believe. 16 BY MR. HAGIZ: 17 Q. Right. 18 And so the master database synchronizes with a 19 local database that is on the vehicle; correct? 20 A. Yes. Master database and local database on the 21 vehicle, they do synchronize. 22 Q. And that synchronization, that can be a push 23 coming from the master database or a pull coming from 24 the local database; correct? 25 MS. ENTZMINGER: Objection; form. Page 46	1 architecture, then you would pretty much get it almost 2 immediately, I would say. If it's a pull architecture, 3 then it might take a little more time. 4 BY MR. HAGIZ: 5 Q. Right. 6 So at a minimum, if there's a pull architecture 7 for the synchronization, then it's possible that there 8 is some interval of time between when the master 9 database is updated and when the updated information is 10 reflected in the local database; correct? 11 MS. ENTZMINGER: Objection; form. 12 THE WITNESS: That's possible, yes. 13 BY MR. HAGIZ: 14 Q. And there may be some areas where the master 15 database -- let me ask that differently. 16 There may be scenarios where the vehicle is not 17 able to connect to the master database in order to 18 synchronize the local database; correct? 19 MS. ENTZMINGER: Objection; form. 20 THE WITNESS: Yeah. I mean, hypothetically 21 speaking, you can have a situation where the vehicle is 22 not able to connect to the server. 23 BY MR. HAGIZ: 24 Q. And in that situation, if a user with a newly 25 issued virtual key tries to access the vehicle, what Page 48
1 BY MR. HAGIZ: 2 Q. If it helps, I'm looking at paragraph 84 in 3 Mikan. That's about halfway down the paragraph. It 4 talks about: "In one embodiment, master database 208 5 may push data to synchronized after every update 6 request." Sorry. I started a sentence too late. Let 7 me start over. 8 So looking at paragraph 84, I think seven or 9 eight sentences down it says: "Master database 208 may 10 push data to local database 203, or local database 203 11 may pull data from master database 208, or some 12 combination thereof." 13 Do you see that? 14 A. Yes. 15 Q. So the synchronization of the master and local 16 database in Mikan, that can be via push request, pull 17 request, or some combination of those; right? 18 A. Yes. 19 Q. Now, it's possible for the master database to 20 be updated, and then some period of time passes before 21 the updated information is synchronized with the local 22 database; correct? 23 MS. ENTZMINGER: Objection; form. 24 THE WITNESS: I mean, I guess it depends on 25 what kind of architecture you have. If it's a push Page 47	1 would happen? 2 MS. ENTZMINGER: Objection; form. 3 THE WITNESS: So you're saying that the mobile 4 device has some kind of, I guess, a virtual key. And 5 you're saying that that doesn't exist for some reason, 6 there's a disconnection or something between the vehicle 7 and the master database. You're saying for some reason 8 that virtual key doesn't exist on the local vehicle, on 9 the vehicle? 10 BY MR. HAGIZ: 11 Q. Exactly. What would happen in that scenario? 12 MS. ENTZMINGER: Objection; form. 13 THE WITNESS: Well, I mean, I think that 14 scenario where you have a key on the mobile device that 15 doesn't exist on the vehicle, then the mobile device 16 can't authenticate, can't use that virtual key with the 17 vehicle until the vehicle gets the updated information 18 from the server. 19 BY MR. HAGIZ: 20 Q. Going back to your declaration. In 21 subheading B on page 64, you write: "Mikan does not 22 disclose any fact that discourages a vehicle receiving 23 any privileged settings from a mobile device." 24 What's the discouraging that you're referring 25 to in this section? Page 49

1 A. Well, Mikan is disclosing this database 2 synchronization architecture that is happening between 3 the server and the vehicle. So it has this mechanism 4 for synchronizing the privileged settings between the 5 vehicle and the database, the master database. So 6 because it already has that solution in place, there 7 would be no reason to modify Mikan to then send the same 8 information that it already receives through the 9 database synchronization through the mobile device. 10 Q. Okay. Understood. 11 Okay. Why don't -- I think I'm done. Why 12 don't we just take a five-minute break so I can 13 double-check my notes. Then we can probably wrap up. 14 A. Thank you. 15 (Recess) 16 MR. HAGIZ: Thank you for your time, Dr. Malek. 17 I've got nothing else right now. 18 THE WITNESS: Thank you. 19 MS. ENTZMINGER: I have no questions. 20 THE REPORTER: Do you want a copy order? 21 MS. ENTZMINGER: You know, I think I've 22 corresponded regarding that. Do you mind if I check 23 what I sent her and see if anything needs to change? 24 THE REPORTER: That's fine. 25 (The deposition concluded at 11:19 a.m.) Page 50	1 Dr. Sam Malek 2 June 30, 2025 3 RE: Kia Corp., Toyota Motor Corp. v. Emerging Automotive LLC 4 6/25/2025, Dr. Sam Malek (#7438895) 5 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, you should read 9 the testimony to verify its accuracy. If there are 10 any changes, you should note those with the reason, 11 on the attached Errata Sheet. 12 You should sign the Acknowledgment of Deponent 13 and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to 15 Veritext at (production-ca@veritext.com). 16 Return completed errata within 30 days from 17 receipt of testimony. 18 If you fail to do so within the time allotted, 19 the transcript may be used as if signed. 20 21 22 Yours, 23 Veritext Legal Solutions 24 25 Page 52
1 REPORTER'S CERTIFICATION 2 3 I, Michelle K. Bailey, Certified Shorthand 4 Reporter, in and for the State of California, do hereby 5 certify: 6 7 That the foregoing witness was by me duly sworn; 8 that the deposition was then taken before me at the time 9 and place herein set forth; that the testimony and 10 proceedings were reported stenographically by me and 11 later transcribed into typewriting under my direction; 12 that the foregoing is a true record of the testimony and 13 proceedings taken at that time. 14 15 IN WITNESS WHEREOF, I have subscribed my name this 16 30th day of June, 2025. 17 18 19 20 21  22 Michelle K. Bailey, RPR, CSR No. 10713 23 24 25 Page 51	1 Kia Corp., Toyota Motor Corp. v. Emerging Automotive LLC 2 Dr. Sam Malek (#7438895) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Dr. Sam Malek Date 25 Page 53

1 Kia Corp., Toyota Motor Corp. v. Emerging Automotive LLC 2 Dr. Sam Malek (#7438895) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Dr. Sam Malek, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Dr. Sam Malek Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25 Page 54	

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