

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

APPLE INC.,

Petitioner,

v.

IPR2024-01084

SMITH INTERFACE

Patent No.

TECHNOLOGIES, LLC,

10,656,758

Patent Owner.

DEPOSITION OF VIJAY K. MADISETTI, PH.D.

July 29, 2025

9:59 a.m. Eastern Time

Reported by: Lori J. Goodin, RPR, CLR, CRR,
RSA, California CSR #13959

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1 REMOTE VIDEO DEPOSITION of
2 VIJAY K. MADISETTI, PH.D., in the above-titled
3 action, held on Tuesday, July 29, 2025,
4 commencing at approximately 9:59 a.m. before
5 Lori J. Goodin, RPR, CRR, RSA, California CSR
6 #13959, Registered Professional Reporter,
7 Certified Realtime Reporter, Realtime Systems,
8 Administrator, and Certified Shorthand Reporter,
9 and Notary Public of the State of Florida, State
10 of California, and District of Columbia.

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3 Apple Inc. v Smith Interface Technologies LLC
4 Tuesday, July 29, 2025
5 Lori J. Goodin, RPR, CRR, RSA,
6 California CSR #13959
7

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10 PREVIOUSLY MARKED EXHIBITS

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11 1001	65
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1 TUESDAY, JULY 29, 2025, 9:59 a.m. EST

2 PROCEEDINGS

3 * * *

4 Whereupon,

5 VIJAY K. MADISETTI, PH.D.,

6 a witness called for examination, having been
7 first duly sworn, was examined and testified as
8 follows:

9 THE REPORTER: Unless an objection
10 is heard at this time, all parties to this
11 deposition are appearing remotely and have
12 agreed to the witness being sworn in
13 remotely.

14 * * *

15 EXAMINATION

16 BY MR. HOLT:

17 Q. Good morning, sir.

18 A. Good morning, sir.

19 Q. Can you state your full name for the
20 record, please.

21 A. Yes, Vijay K. Madisetti.

22 Q. And if I refer to you as

1 Dr. Madiseti, that is okay?

2 A. Yes.

3 Q. All right. Excellent. And

4 Dr. Madiseti, you have been deposed before?

5 A. Yes.

6 Q. Okay. About how many times have you
7 been deposed before?

8 A. Quite a few times. I mean, I don't
9 remember the number, but quite a few times.

10 Q. Okay. So, you are fairly familiar
11 with the procedures, I guess is where I am
12 getting at?

13 A. Yes.

14 Q. Okay. I will just go over a couple
15 of general ground rules that I think are probably
16 familiar to you.

17 But, just so that we are on the same
18 page.

19 Can we agree not to talk over each
20 other such that I will wait for you to finish
21 answering a question before I step in. And vice
22 versa, you will let me finish asking the question

1 before you answer?

2 A. Yes.

3 Q. Okay. Are you, I guess, do you have
4 any physical documents or electronic documents
5 open in front of you right now?

6 A. No. I don't have them.

7 Q. Okay. So, no notes of any type that
8 you have taken before today?

9 A. No.

10 Q. Okay. We can take a break about
11 every hour. I will try to keep an eye on that.

12 But, if you need to take a break for
13 any reason or we have gone past an hour and I
14 haven't recognized it, you can just let me know.

15 All I would ask is that you answer
16 whatever question is pending at that point before
17 we take the break.

18 Is that okay?

19 A. Okay.

20 Q. Awesome.

21 And, do you agree not to communicate
22 with anyone else during the time that I am asking

1 my questions, including the breaks, for as long
2 as I am asking my questions?

3 A. Yes.

4 Q. Okay. All right. So, we are here
5 speaking about IPR 2024-01084 which relates to
6 U.S. Patent Number 10,649,578.

7 Is that your understanding?

8 A. Yes.

9 Q. Okay. And is it okay if we refer to
10 that as the '578 patent?

11 A. Yes.

12 Q. Okay, great. And you submitted a
13 declaration with this, in this proceeding; is
14 that correct, sir?

15 A. Yes.

16 MR. HOLT: Okay. I am going to
17 attempt to share, I am attempting to put a
18 document into the chat.

19 I am sending over right now a
20 document.

21 BY MR. HOLT:

22 Q. Please let me know when you've got

1 it and you can open it up.

2 A. Okay, I have downloaded

3 Exhibit 2004.

4 (Whereupon, previously marked.

5 Exhibit 2004,

6 first referral.)

7 BY MR HOLT:

8 Q. Okay. And, does this document look

9 familiar to you?

10 A. Yes, it is my exhibit. It is my

11 declaration.

12 Q. Okay. Great. Is this your complete

13 declaration that you prepared and submitted for

14 this proceeding?

15 A. Yes. This is my declaration as of

16 the submission date, May 8, 2025.

17 Q. Okay. And if we go down to the very

18 last page, which is Page 73 of the declaration,

19 can you please confirm that that is your

20 signature?

21 A. Yes, it is.

22 Q. Okay. All right. In preparing for

1 today's deposition, did you review this
2 declaration?

3 A. Yes.

4 Q. Okay. Did you, after reviewing it,
5 find any mistakes or anything you would like to
6 correct?

7 A. Nothing, nothing that I can
8 remember.

9 Q. Okay. So, as of right now, sitting
10 here today, this represents the opinions that you
11 have rendered in this proceeding; is that
12 correct?

13 A. Yes.

14 Q. Okay. Do you have any other
15 opinions that weren't included in this
16 declaration that are relevant to the proceeding?

17 A. I don't think so.

18 Q. Okay. What other documents did you
19 review in preparation for today's deposition?

20 A. I briefly reviewed the patent, the
21 '578 patent. And, I believe I briefly reviewed
22 the prior art references.

1 Q. Is that it?

2 A. Yes.

3 Q. Okay. About how long did you spend
4 preparing for today's deposition?

5 A. I don't recall the exact number, but
6 there were a couple of days some time last week
7 and some time yesterday.

8 Q. Okay. And, if we can try to look
9 back, I know it has been quite some time.

10 But, when you were preparing this
11 declaration, can you recall approximately,
12 understanding it might not be exact,
13 approximately how much time you spent on the
14 declaration?

15 A. Again, I don't recall the exact
16 number. But, sometime, something between about
17 80 hours, 50 and maybe 80 -- around 80 hours, I
18 think.

19 Q. Okay. So, just to be clear, it was
20 80, 8-0; is that correct?

21 A. Yes.

22 Q. Okay. Thank you.

1 All right. So, if you turn to
2 Page 4 of your declaration, there is a section
3 here titled Professional Background.

4 Do you see that?

5 A. I do.

6 Q. Okay. I think that runs from
7 Paragraph 2, down to Paragraph 11.

8 And this summarizes your background.
9 Is that correct, sir?

10 A. Yes.

11 Q. Okay, great. I believe here in
12 paragraph, towards the end of Paragraph 4 -- or
13 no. I'm sorry -- yes, I'm sorry.

14 It is not towards the end. It is
15 the third line from the top on Page 5.

16 It indicates that you are a tenured
17 full-time professor in the Colleges of Computing
18 and Engineering at Georgia Tech; is that correct?

19 A. Yes.

20 Q. Okay. What does that role entail?

21 A. It is to teach, perform research,
22 advise the students, among other things.

1 Q. When you say teach, does that
2 include teaching courses that are offered by
3 Georgia Tech?

4 A. Yes.

5 Q. Okay. And it says here, Colleges of
6 Computing and Engineering.

7 Are those two separate colleges
8 within Georgia Tech?

9 A. Yes.

10 Q. Okay. And you teach courses within
11 both of those colleges; is that correct?

12 A. Yes.

13 Q. Okay. What kind of courses have you
14 taught in the Colleges of Computing and
15 Engineering over, say, the last three years?

16 A. I have taught mainly computer
17 science and computer engineering courses,
18 primarily, and software engineering,
19 cybersecurity, cloud computing, software design.

20 Q. Are you scheduled to teach any
21 courses this coming fall?

22 A. Yes.

1 Q. Which courses are you scheduled to
2 teach this coming fall?

3 A. I am teaching a graduate course in
4 incident response.

5 Q. Okay. Can you explain a little bit
6 what that course is about?

7 A. It is about responding to
8 cybersecurity incidents.

9 So, it goes into the process of how
10 you detect, respond, and inform and counteract
11 cybersecurity threats. And if they occur and are
12 detected, how do you respond to them consistent
13 with the regulations and industry best practice.

14 Q. Okay, great.

15 To your knowledge, does Georgia Tech
16 offer courses related to user interface design?

17 A. Yes. It offers a number of courses
18 and, that are, that are, that include user
19 design, user interface design, and some courses
20 that are specifically focused on user interface
21 design.

22 Q. Okay. For those courses that are

1 focused on user interface design, have you taught
2 any of those courses?

3 A. I have, I have focused more on user
4 interface design as a part of my courses. So, I
5 prepare the labs and projects and exercises that
6 focus on user interface design for software
7 applications such as web applications, mobile
8 applications, as a part of my courses,
9 themselves.

10 Q. Okay. So, you have not taught any
11 of the user design -- or user interface design
12 specific courses?

13 A. I teach user specific, user
14 interface design as a part of my courses. I
15 don't teach any courses that are, that are titled
16 the user interface design.

17 Q. Okay. Which of the courses that you
18 have taught would you say are -- have user
19 interface design as a part of those courses?

20 A. Almost all of my courses. Cloud
21 computing, web applications. DevOps, which is a
22 field of software engineering, and DSP software

1 design. All of these include a lot of user
2 interface design.

3 Q. The last piece you said was DSP. Is
4 that digital signal processing?

5 A. Yes.

6 Q. Okay. The first one you mentioned
7 was cloud computing.

8 What is the focus of the user
9 interface design portion of that course?

10 A. So as a part of the course, we
11 design something like Facebook. So, as a part of
12 the course, I start off with the design of
13 something like a social applications such as
14 Facebook. And then discuss the user interface,
15 then the underlying business logic that goes
16 behind the user interface.

17 And then one level inside where I
18 focus on the sort of computing platform that is
19 called MapReduce and Hadoop.

20 And then one level below that I
21 focus on the databases and other applications
22 that provide the data.

1 So, over the course of the semester,
2 we build out the entire application from start to
3 finish.

4 Q. Okay. So, the students are building
5 a full application in that course is what you are
6 saying?

7 A. Yes. They build a whole Facebook
8 kind of social network that includes the
9 interface, the databases. They upload photos.
10 They upload comments, chats.

11 They have a whole working
12 application, combined with the underlying layers
13 of the Hadoop stand.

14 Q. Great. And that is, to be clear, a,
15 an undergraduate course or a graduate course?

16 A. It is an undergraduate course. It
17 is ECE 4150. So, about 200 students take that.
18 They took that in the spring.

19 Q. Okay. Is your role in that class,
20 you grade, I assume, these projects that they
21 create over the course of the semester; is that
22 correct?

1 A. Yeah. I am the instructor. And I
2 provide -- I teach the courses. I provide the
3 labs and design the labs. And because it is a
4 large course, I use the help of teaching
5 assistants to do the grading.

6 Q. Okay. Between you and your teaching
7 assistants, as you are grading these projects,
8 are you grading as the project is completed
9 across a semester, presumably?

10 A. I create about six different
11 subprojects. Each of them is due every two
12 weeks.

13 Q. Okay.

14 A. So, I regrade them every two weeks.

15 Q. Got you, okay.

16 Could you give me an idea of what
17 those subprojects look like?

18 A. Yeah. The first lab is -- or
19 subproject is the content, which is the user
20 interface of the social application.

21 The second lab is the underlying
22 databases. The third lab focuses on the business

1 logic. The fourth lab adds two, three different
2 models of computation. For example, things like
3 bit data, map cadence and foundation issues like
4 performance and efficiency.

5 Then as the class progresses, we add
6 more features. For example, authentication. We
7 add more capability of, for example, chat.

8 And adding additional applications
9 that reside along with the photo book and all of
10 these other types of chat applications.

11 Q. Okay. That makes sense.

12 What is the environment are they
13 doing this lab in, out of curiosity?

14 A. I use Amazon Web Services, AWS, so
15 everything is done on-line.

16 Q. Okay.

17 A. And I have a book on this topic and
18 I use the book as well. So, my book, I have
19 written a book in this area.

20 Q. What -- could you let me know what
21 the title of that book is? That might be
22 somewhere in your CV.

1 A. Yes, it should be in my CV. It is
2 called Solutions Architect -- Cloud Computing
3 Solutions Architect.

4 Q. Okay. All right. I think you have
5 further down, beyond your teaching work, some
6 experience with user interfaces yourself in a
7 professional setting; is that correct?

8 A. Yes.

9 Q. I think you outline at least some of
10 that in Paragraph 9.

11 A. And 7 as well.

12 Q. And 7 as well. Okay. Let's see.

13 A. Last portion of 7.

14 Q. Okay. Starting with the description
15 there in 7, you mention a crypto exchange
16 prototype.

17 Can you tell me a little bit about
18 that?

19 A. Yes. It was a crypto exchange which
20 was, which I call MCASH and so, it is just like
21 how you would use Robinhood or Charles Schwab for
22 a trading platform.

1 But, it is instead focused on
2 Cryptum. And, I have a number of patents on the
3 topic. So, I have developed a crypto exchange as
4 the underlying demonstration for that set of
5 patents.

6 Q. So, I'm -- just to be clear, the
7 crypto exchange led to the patents? Or the
8 patents existed and you utilized the crypto
9 exchange to demonstrate the technology of the
10 patent?

11 A. I developed the patents and then
12 implemented them as a part of the crypto exchange
13 prototype.

14 Q. Okay. When you say that you
15 developed the crypto exchange prototype, was that
16 just your work or did you work with a team of
17 people?

18 A. I worked myself and also with a
19 couple of others.

20 Q. What was each of those person's role
21 in the development process?

22 A. I and my colleague, Arshdeep, we

1 developed it together. So we developed the user
2 interface. We developed the underlying trading
3 platform, the business logic.

4 So, it was a collaboration that
5 allowed us to test out many of these ideas.

6 Q. Okay. And you both contributed
7 equally about, to each of those different pieces
8 of the application?

9 A. Yes.

10 Q. OK. And then you also have here a
11 web-based document management environment called
12 CatchUp.

13 Can you explain a bit what that is?

14 A. Yes. CatchUp is a CatchUp dot
15 cloud. It is a website, and we have about
16 100,000 users. It is a web-based, collaboration
17 tool. So, it is a combination of Slack, Dropbox,
18 Microsoft Teams.

19 It allows users to collaborate in
20 different ways, just like Slack and Teams, but
21 much better, I believe.

22 So, I use that in my courses as

1 well.

2 Q. And that, you said, is accessed by a
3 website; is that correct?

4 A. Yes, it is both an Android app, as
5 well as an iOS app, as well as through a website.

6 Q. Okay.

7 A. It is CatchUp dot cloud.

8 Q. Okay. Is that also true of the
9 crypto exchange prototype? Where is that
10 available at?

11 A. Oh, that is when -- the problem with
12 crypto is that you go through the SEC and all of
13 that, so it is not publically available.

14 Q. Okay. But the prototype itself was
15 app-based or web-based or --

16 A. Web based and also Android and iOS
17 apps.

18 Q. Okay. When, out of curiosity, was
19 the crypto exchange app developed?

20 A. Some time about around 2014 to '16,
21 2014 to 2018, yeah. Probably about ten years
22 ago.

1 Q. Okay. And, how about the CatchUp
2 app?

3 A. That was also around -- I mean it is
4 still being developed and that would also be
5 around eight to 10 years ago.

6 Q. Okay. And then I think we also had
7 looked very briefly at Paragraph 9.

8 A. Yes.

9 Q. You say here that you were part of
10 the team that developed the user interfaces for a
11 soft switch called SNX 8500.

12 A. Yes.

13 Q. Can you tell me a little bit how
14 soft switch -- how this soft switch worked?

15 A. Yes. I mean if you want to
16 combine -- if you a hotel or a business and you
17 want to combine internet telephony along with
18 your regular phones, you would use something
19 called a soft switch.

20 And, so the soft switch allows you
21 to say, if you have 100 phone lines, you can
22 allow maybe 2000 users to use those 100 to 200

1 phone lines, because most of the phone lines are
2 not busy, most of the time.

3 And you could use a combination of
4 VoIP, which is the internet telephony, combined
5 with regular circuit switch telephony.

6 So, in the 2000 time frame, I
7 developed a soft switch in collaboration with a
8 leading telecom provider in Asia. And we
9 developed a product that was sold to large hotels
10 and businesses which had less than 1,000 to 2000
11 users.

12 Q. Okay. And, what was the -- I guess,
13 delivery mechanism for that particular project?

14 Was that an application? Was that a
15 web-based product?

16 A. It is a big box along with web-based
17 software, as well as a user interface for that
18 box.

19 Q. Okay. So, the user interface that
20 you are talking about here was the user interface
21 for a physical box with a screen, presumably?

22 A. Yes. It was to manage and configure

1 the SNX 8500.

2 Q. Okay.

3 A. To set up user accounts, to set up
4 log-ins, to set up and manage the services, the
5 user interfaces --

6 I mean something like, if you are
7 using Skype or Teams, you are interacting with a
8 soft switch somewhere in the background.

9 Q. Okay. That makes sense.

10 A. And a lot of the USPs as well that
11 are sitting in the backend.

12 Q. Okay. What was the manner in which
13 the users interfaced with that box, out of
14 curiosity?

15 A. Yeah. So, for example, if you had,
16 for example, if you are using a Cisco phone for
17 your office communications, it is using a soft
18 switch in the background.

19 So, you lift the phone and then it
20 provides a user exchange that tells you if you
21 want to dial a number, if you want to answer the
22 voice mail or something like that.

1 So, there is a phone-based GUI that
2 looks like a soft phone -- a smart phone, like a
3 physical phone.

4 There is also a soft phone that you
5 can download on your, on your PC and use that to
6 make calls, just like you are using your desktop
7 phone.

8 Q. And those user interfaces, were they
9 touch-based interfaces?

10 A. The user interfaces for the PC in
11 2000, they were primarily focused on, at that
12 time they were focused on using a mouse, because
13 it was very expensive to have a touch screen PCs.

14 But, the phone system, the user
15 interface on the hard phone was both button as
16 well as soft.

17 Q. Okay. And, you designed the user
18 interfaces that were on the phone?

19 A. Yeah.

20 Q. Okay.

21 A. Phone and also the PC.

22 Q. Okay. The implementation of those

1 user interfaces on those two different display
2 devices and interaction mediums, were they
3 different from each other?

4 A. They were similar. They were
5 similar. The PC one had more features.

6 Q. The one on the phone, when you were
7 designing that user interface, were you needing
8 to take into account the touch portion
9 independently of the button input portion?

10 A. They work together. I mean you have
11 to work on them together in some way.

12 Q. I guess my question is: Was it your
13 programming or your logic that you created that
14 was measuring those different inputs whether they
15 were to be key based or screen based?

16 Or was that functionality that
17 existed within the phone?

18 A. Oh --

19 MR. ROBINSON: Objection to form.

20 THE WITNESS: These would be our own
21 type of work.

22 BY MR. HOLT:

1 Q. Okay. So, when your program was
2 interfacing with the screen input, what type of
3 information was your program receiving when it
4 received touchscreen input?

5 MR. ROBINSON: Objection, form.

6 THE WITNESS: For example, it was a
7 variety of things.

8 It would, it would display menus.

9 It would display the different options for
10 configuring the phone. Options to access
11 your voicemail, options to place a call.

12 BY MR. HOLT:

13 Q. Okay. That makes sense from a
14 display perspective.

15 But, when a user interacted with the
16 screen, what type of data or information or
17 indications of that input was provided to your
18 application?

19 A. Primarily the selection of different
20 options.

21 Q. Okay. And how was that indication
22 of selections provided?

1 What type of information did your
2 application receive?

3 MR. ROBINSON: Objection, form.

4 THE WITNESS: Again, I mean these
5 are, these are very sophisticated interfaces
6 that do all sorts of switching and so on.

7 So, you would have to reconfigure
8 different connections. You have to choose
9 the right DSPs to run -- so, there are two
10 parts. There is the signalling aspect and
11 there is the call processing.

12 So, depending on -- first, you have
13 to make, you have to choose who to call.
14 Then you have to choose how to call them,
15 whether it is over the telephone lines or the
16 internet.

17 Then you have to choose what the
18 other side is, and how they should receive
19 the call.

20 Then you have to set up the call
21 signalling. And then you have to set up the
22 modems that would convert your speech to

1 sophisticated speech compression, a codex,
2 and then choose the right DSPs to convert
3 your speech to a very low bit rate.

4 And that would then be a signal back
5 to show to the user that the call, that the
6 call was in progress and things like that and
7 provide the ring tones. Provide the other
8 types of feedback that the user expects.

9 Q. All of those choices or decisions
10 that you just kind of walked through, were all of
11 those displayed to the user on the interface?

12 A. Some of them would be displayed.
13 Others would be internal to the box.

14 Q. So, what might be one of those
15 decisions that would be displayed to the user on
16 the screen?

17 A. For example, if the, if the circuit
18 was busy or if there was some sort of, if they
19 wanted to add a third party or make it a party
20 call.

21 Or if they were trying to change
22 the -- or if they are trying to hang up or

1 suspend the call, receive another call. Those
2 are the sort of options you would expect.

3 Q. And how would those options have
4 been displayed to the user?

5 A. They would be displayed typically on
6 the user interface as different choices the user
7 could make.

8 Q. How would a user select one of those
9 choices?

10 A. I mean typically through use of one
11 of the menu options.

12 Q. Okay. So, there was a menu on the
13 screen with a list of options.

14 Is that correct?

15 A. Yes.

16 Q. Okay. And the user did what to
17 select one of those options?

18 A. Usually just tap. Just tap them.

19 Q. Okay. And when a user tapped one of
20 the options on the screen, what information was
21 provided to your application to indicate that tap
22 on the screen?

1 MR. ROBINSON: Objection, form.

2 THE WITNESS: Just, just the choice.

3 BY MR. HOLT:

4 Q. When you say just the choice, could
5 you give a little bit more information about
6 that?

7 A. Typically you would present what is
8 called a list of choices and the user would make
9 one of those choices.

10 Q. And so, the underlying hardware
11 system or operating system would provide an
12 indication to your application of the option that
13 was selected; is that right?

14 A. At a high level, yes.

15 Q. Okay. So, it wasn't incumbent upon
16 your application to determine there was a tap and
17 where that tap was; is that right?

18 A. I'm not sure I see your specific
19 question.

20 You are providing a menu of choices
21 and you choose one of them as a user.

22 Q. Okay. So, I guess the question I

1 have maybe is, was all of the software that was
2 running all of the -- yeah, all of the software
3 that was running on this phone that a user was
4 interfacing with part of what you created?

5 MR. ROBINSON: Objection, form.

6 THE WITNESS: Could you please
7 repeat the question?

8 BY MR. HOLT:

9 Q. I think you said earlier that one of
10 the user interfaces that had a touchscreen was a
11 Cisco type phone; is that correct?

12 A. Yes.

13 Q. Okay. Your application, this soft
14 switch, was it responsible for all of the
15 software running on that Cisco phone?

16 A. Some would run locally on the phone.

17 Q. Okay.

18 A. And some would be running on the
19 server which is the SNX 8500.

20 Q. How would the phone include the soft
21 switch? Was it like an application in a computer
22 sense that operated with respect to some other

1 software on the phone?

2 Or was soft switch all of the

3 software on the phone?

4 MR. ROBINSON: Objection, form.

5 THE WITNESS: There was not much --

6 yeah, there was not much else on the phone.

7 It was just the software user interface that

8 would be running on the phone.

9 BY MR. HOLT:

10 Q. So, when you created the soft switch

11 portion that was on the phone, that Cisco phone,

12 I think you mentioned as the example, didn't

13 itself have existing functionality that you were

14 tapping into?

15 MR. ROBINSON: Objection, form.

16 THE WITNESS: I don't understand

17 your specific existing functionality.

18 I mean, it would have a ringer. It

19 would have some hardware keyboard. It would

20 have a basic processor that would listen to

21 the keyboard, for example.

22 But, but most of the software was

1 custom.

2 BY MR. HOLT:

3 Q. Okay. So, you just said there would
4 be a processor listening to the keyboard. Is
5 that correct?

6 A. Yeah. The standard processor.

7 Q. Okay. The listening -- excuse me.
8 The listening portion of what you
9 just discussed, where the processor listens to
10 the keyboard, was that functionality that you
11 were responsible for implementing or that existed
12 within the phone before your application was put
13 on to the phone?

14 A. I think the keyboard was already
15 existing functionality, because the Telecom
16 vendor had an existing phone that was not
17 internet phone ready.

18 So, we retrofitted the internet
19 capabilities include into the existing phones.

20 Q. So, the phone before the
21 retrofitting performed phone functionality in
22 different contexts. Is that right?

1 A. The phone was able to make standard
2 circuit switch to phone calls.

3 Q. Okay.

4 A. And so it was a standard phone that
5 would make circuit switched phone calls.

6 Q. Okay. And when it was making
7 standard circuit switched phone calls before
8 being extended by soft switch, it had the
9 touchscreen interface; is that right?

10 A. No. It did not.

11 Q. Okay. So, there was no touchscreen
12 before soft switch was added?

13 A. There was no touchscreen. No.

14 Q. Okay. So, did your work add a
15 touchscreen device like a hardware piece to the
16 phone?

17 A. Yeah.

18 Q. Okay.

19 A. Phone, as well as to the PC and all
20 of that, so that you could manage the switch as
21 an administrator. And also operate the phones as
22 a user. And a separate user interface to operate

1 the phone as a soft phone only piece.

2 Q. Okay. Okay.

3 MR. HOLT: Let's -- I'm going to
4 drop another document into the chat.

5 BY MR. HOLT:

6 Q. Let me know when you have that and
7 are able to download it and open it up.

8 (Whereupon, previously marked
9 Exhibit 1004,
10 first referral.)

11 THE WITNESS: I see Exhibit 1004.
12 Is that the one?

13 BY MR. HOLT:

14 Q. Yes, sir.

15 A. Yes, I have that open.

16 Q. Okay. And this is U.S. Patent
17 Application Publication Number US 2010/0095240,
18 Shiplacoff, et al.

19 Is that what you see at the top of
20 the document?

21 A. Yes.

22 Q. Okay. And if you scroll down on the

1 bottom of the first page, on the lower right, do
2 you see that it says APPLE 1004?

3 A. Yes.

4 Q. Okay. I believe in your declaration
5 you referred to an Exhibit 1004 that you talked
6 about as the term, Shiplacoff; is that correct?

7 A. Yes.

8 Q. Is this that document that you
9 referred to in your declaration?

10 A. Yes.

11 Q. So, for example, if we switch back
12 to your declaration, Exhibit 2004, and we go down
13 to, for example, Paragraph 57, which is towards
14 the bottom of Page 35.

15 A. Yes.

16 Q. After the first sentence it says,
17 Shiplacoff, Paragraph 0068.

18 Do you see that?

19 A. Yes.

20 Q. Okay. That citation is to this
21 Exhibit 1004; is that right?

22 A. Yes.

1 Q. Okay. And you studied the totality
2 of this document in preparation for rendering
3 your opinions in the declaration. Correct?

4 A. Yes.

5 MR. ROBINSON: Objection, form.

6 BY MR. HOLT:

7 Q. Do you feel comfortable with the
8 teachings of Shiplacoff overall?

9 MR. ROBINSON: Objection, form.

10 THE WITNESS: My objective was to
11 respond to the arguments raised in the
12 petition and the declaration of the
13 petitioner's expert.

14 So, my focus was on responding to
15 the relevant arguments raised by the
16 petitioner and its expert.

17 BY MR. HOLT:

18 Q. In performing that task, did you
19 read all of the Shiplacoff document?

20 A. Yes.

21 Q. Okay. And you understood the
22 Shiplacoff document?

1 A. My understanding is captured in my
2 declaration along with the focus, as I mentioned.

3 I was responding to the opinions and
4 their basis raised by the petitioner and their
5 expert.

6 So, I was not offering an
7 independent opinion.

8 Q. When you say you are not offering an
9 independent opinion, what does that mean with
10 respect to what your declaration includes?

11 MR. ROBINSON: Objection to form.

12 THE WITNESS: My declaration
13 includes my opinions and the basis. And the
14 focus of my declaration was in responding to
15 the petition.

16 The arguments raised by the
17 petitioner, their basis, the arguments raised
18 by the petitioner's expert and their basis.

19 BY MR. HOLT:

20 Q. Uh-huh.

21 A. Insofar as to the grounds for the
22 challenge of the asserted claims.

1 Q. Uh-huh.

2 A. So, I focused on responding to
3 those, rebutting them. And my declaration
4 captures my opinions and their basis.

5 Q. Okay. So, when you say -- I believe
6 your phrase was independent opinion; is that
7 right?

8 A. Yes.

9 Q. What do you mean by independent
10 opinion? What would be an independent opinion?

11 A. What I meant is that I was
12 responding to the challenges raised by the
13 petitioner and its expert. So, I was not
14 attempting to analyze or provide an opinion on,
15 for example, maybe an uncited section of
16 Shiplacoff.

17 Q. Okay. But you would have read the
18 uncited section of Shiplacoff, correct?

19 MR. ROBINSON: Objection, form.

20 Asked and answered.

21 THE WITNESS: As I said, I reviewed
22 that in conjunction with my analysis as

1 described in my declaration and report.

2 BY MR. HOLT:

3 Q. Okay.

4 A. With the focus on addressing the
5 challenges, specifically raised by the petitioner
6 and its expert.

7 Q. Okay. Let's have a look at, for
8 example, Figure 3 of Shiplacoff, which I believe
9 is on Page 4 of the document.

10 A. Okay.

11 Q. All right. What, to your
12 understanding, are we seeing displayed on the
13 device in Figure 3?

14 MR. ROBINSON: Objection, form.

15 THE WITNESS: This specification
16 describes Figure 3 as depicting the displayed
17 screen in card mode, including a card having
18 focus and two partially displayed cards,
19 according to one embodiment of the present
20 invention.

21 BY MR. HOLT:

22 Q. Okay. Looking at Figure 3, what

1 type of application is card 301B?

2 A. I didn't fully understand what you
3 are asking, counsel.

4 Q. What application on a mobile device
5 is represented by card 301B?

6 A. Card 301B is a card. So, you cannot
7 interact with it as a part of the card mode that
8 is depicted in Figure 3.

9 Q. But does it represent an
10 application?

11 A. The card in this particular case,
12 301B, is a card that displays, it appears, a view
13 of a calendar of some kind.

14 So, once again, this is in the card
15 mode. It is not, it is not displaying the
16 calendar in a manner that one would understand,
17 that a user would be able to interact with it.

18 Q. When you say a user would not be
19 able to interact with it, you are referring to
20 the application represented by the card or the
21 card itself? Just to be clear.

22 A. The card in this Figure 3 is

1 displayed in what is called a card mode.

2 Q. Uh-huh.

3 A. So, in this card mode, the user is
4 not able to interact with the functionality of
5 the calendar.

6 So, in other words, in this mode,
7 the calendar is not, is not -- the interface of
8 the calendar is not replacing the home screen
9 with the user interface of the application that
10 is underlying it which is the calendar.

11 Q. So, the inputs to the calendar
12 application itself are not accepted in card mode
13 is what you are saying?

14 MR. ROBINSON: Objection, form.

15 THE WITNESS: I think what I said is
16 that in the card mode, it is not, it is
17 not -- in the card mode, you cannot interact
18 with the application, because the application
19 is not replacing the home screen of the phone
20 or the mobile device of Figure 3, as taught
21 by Shiplacoff.

22 BY MR. HOLT:

1 Q. Okay. So, you would only be able to
2 interact with the calendar application itself
3 when it was in a different mode than the one
4 shown in Figure 3?

5 MR. ROBINSON: Objection, form.

6 THE WITNESS: In Shiplacoff, as we
7 can see in the description in the
8 specification.

9 BY MR. HOLT:

10 Q. Uh-huh.

11 A. It describes a full-screen mode and
12 a card mode --

13 Q. Uh-huh.

14 A. -- among a couple of other modes
15 such as the shuffle and so on.

16 In the full-screen mode, you are
17 able to interact with the activity such as the
18 calendar application that is shown by
19 conventional user interface methods.

20 Q. Uh-huh.

21 A. Such as manipulating the on-screen
22 elements. But, in the card mode, as described in

1 Shiplacoff, you are not able to do an interact
2 with the active activities, such as the calendar
3 application itself, by conventional user
4 interface methods.

5 You are, instead you have a partial
6 view of a card of the calendar application that
7 does not replace the home screen with the user
8 interface. Nor does it allow you to operate
9 within the calendar, for example, to things like
10 add entries and things like that to the calendar
11 while you are in the card mode.

12 You can perform other operations,
13 for example, choose one or more cards, as
14 described in Shiplacoff.

15 Q. Okay. I think I understand what you
16 are saying, but I would like to try to restate it
17 just so that I am absolutely clear.

18 When in full-screen mode, the
19 activity that is in full-screen mode, for
20 example, a calendar, is able to accept
21 conventional user interface inputs, correct?

22 MR. ROBINSON: Objection, form.

1 THE WITNESS: I didn't hear the last
2 part of your question.

3 BY MR. HOLT:

4 Q. If we are in full-screen mode,
5 Shiplacoff teaches that an activity is being
6 displayed on the display, correct?

7 MR. ROBINSON: Objection, form.

8 THE WITNESS: Again, I would defer
9 to the language in the specification. In the
10 full screen mode, the calendar application is
11 displayed in a manner that replaces the home
12 screen with the user interface of the
13 application.

14 BY MR. HOLT:

15 Q. Uh-huh, uh-huh.

16 A. And the Shiplacoff discloses certain
17 types of interactions that the user can do. And,
18 in the card mode, Shiplacoff discloses certain
19 other types of interactions that it discloses in
20 what is called a card mode.

21 BY MR. HOLT:

22 Q. Uh-huh.

1 A. So, Shiplacoff distinguishes between
2 the two different modes.

3 Q. Uh-huh.

4 A. Or the different modes of operation,
5 and limits how a user can interact with the user
6 interface to specific inputs that are only valid
7 for their respective modes.

8 Q. Okay. So, let's focus for a moment
9 on full-screen mode, which is the first part of
10 what you were talking about.

11 In full-screen mode, a user
12 interacts with an active activity; is that
13 correct?

14 MR. ROBINSON: Objection, form.

15 THE WITNESS: In full-screen mode,
16 they are able to interact with, for example,
17 a calendar application.

18 BY MR. HOLT:

19 Q. And Shiplacoff refers to the
20 calendar application as an activity, right?

21 A. It says that the calendar
22 application -- the calendar application occupies

1 substantially the entire displaced screen, for
2 example, in Figure 2.

3 And in the context of Figure 2,
4 which is in Shiplacoff --

5 Q. Uh-huh, uh-huh.

6 A. -- the user can interact with the
7 calendar application of Figure 2.

8 Q. Uh-huh.

9 A. They cannot do so in Figure 3.

10 Q. Okay. But, sticking to full-screen
11 mode. In full-screen mode, what is displayed
12 here in this example of Figure 2 is a calendar
13 application, correct?

14 A. Yes.

15 Q. Okay. And Shiplacoff refers to this
16 as the active activity; is that correct?

17 I will refer you, for example, to
18 Paragraph 76.

19 A. So, Shiplacoff refers to this as a
20 display screen in the full-screen mode --

21 Q. Uh-huh.

22 A. -- wherein an activity occupies

1 substantially the entire displaced screen.

2 Q. Uh-huh. Okay. And if we go down to
3 Paragraph 76. It says first sentence, "The user
4 interacts with the active activity (such as the
5 calendar application shown in Figure 2) by
6 conventional user interface methods," and it goes
7 on to list some of those.

8 Correct?

9 A. Yes. You are referring to
10 Paragraph 76, which is referring to the
11 full-screen mode --

12 Q. Yes.

13 A. -- where it refers to a particular
14 active activity such as a calendar application of
15 Figure 2.

16 Q. Okay. So, in the example of
17 Figure 2, the calendar application is the active
18 activity, correct?

19 A. In Figure 2, in the full-screen
20 mode, the calendar application is an active
21 activity that is depicted in the full-screen
22 mode.

1 Q. Okay. And if we scroll down to
2 Figure 3, from Figure 2, we are now in card mode;
3 is that right?

4 A. Yes.

5 Q. Okay. Now on the screen we have
6 multiple cards, correct?

7 A. You are referring to which figure?

8 MR. ROBINSON: David, I don't know
9 if we have a signal issue here. Did you hear
10 Dr. Madisetti's question?

11 MR. HOLT: I did not. I'm sorry.

12 BY MR. HOLT:

13 Q. I didn't hear anything at all.

14 A. Oh, so I was saying that you are
15 referring to Figure 3. If you were referring to
16 Figure 3, Is that your question?

17 Q. Oh, yes. I'm sorry. I did not hear
18 that question. Yeah, Figure 3.

19 A. Yeah, I was describing that in
20 Figure 3, as per Paragraph 78.

21 Q. Uh-huh.

22 A. As can be seen in Figure 3 in one

1 embodiment in card mode, card 301B having focus
2 is fully visible.

3 Other cards, 301A, 301C, are only
4 partially visible and do not have focus.

5 Q. Okay. Thank you.

6 Each of those cards represents an
7 activity; is that correct?

8 A. Each of those cards in the card mode
9 represents an activity, but that user cannot
10 utilize that activity in the card mode.

11 They can utilize the features of the
12 activity only in the full-screen mode.

13 Q. Okay. How would a user change focus
14 from, for example, card 301B to card 301C?

15 A. As an example in Paragraph 79 --

16 Q. Uh-huh.

17 A. -- Shiplacoff discloses that the
18 user can designate the card 301A or 301C to have
19 focus by dragging any displayed card 301 to cause
20 the desired card 301 to move to the central
21 portion of the display screen, as an example, in
22 the card mode.

1 Q. How would Shiplacoff's device
2 determine that a user has dragged a card in the
3 manner you just described?

4 A. I'm not sure as to what you
5 specifically are asking.

6 Q. So, I believe you were just reading
7 from Paragraph 79, correct?

8 A. Yes.

9 Q. Okay. And I believe you were
10 reading a paragraph roughly halfway in that says,
11 "In one embodiment the user can designate a card
12 301A, 301C to have focus by dragging any
13 displayed card 301 to cause the desired card 301
14 to move to the central portion of the display
15 screen 101.

16 "Again, other cards 301 move as
17 well, so that the same positional sequence is
18 maintained."

19 That is a correct read of that
20 sentence?

21 A. Yes. You are reading the sentence
22 from Paragraph 79 --

1 Q. Yes.

2 A. -- of Shiplacoff.

3 Q. Yes. How would Shiplacoff's device
4 determine that a user is dragging displayed card
5 301?

6 MR. ROBINSON: Objection, form.

7 THE WITNESS: So, for example, some
8 aspects of the operations of Shiplacoff are
9 discussed in my declaration where I discuss
10 the drag operation in context of the
11 Duarte-992 reference.

12 In Paragraph 94 of my declaration,
13 the Duarte-992 is incorporated by reference
14 into Shiplacoff. And it discloses a dragged
15 gesture, which is also referred to as a flick
16 gesture, that is moved across the screen.

17 And it is referred to as an
18 on-screen. It is referred to as a drag or a
19 flick gesture.

20 BY MR. HOLT:

21 Q. Was that your full answer?

22 A. Yes. As I describe in Paragraph 94

1 in more detail.

2 Q. Okay.

3 A. That is Paragraph 94 of my
4 declaration.

5 Q. Yes. Understood. Exhibit 2004.

6 A. Yes.

7 Q. Paragraph 94 is talking about
8 different action in full-screen mode; is that
9 correct?

10 A. Again, your question is not clear.

11 Q. The first sentence of your
12 Paragraph 94 says, "A POSITA would have
13 understood that Shiplacoff's flick input is
14 already programmed to trigger a different action
15 in full-screen mode."

16 A. Your question is not clear, counsel.

17 Q. Well, I didn't ask a question yet.

18 Is your description of the flick in
19 Paragraph 94 specific to full-screen mode or is
20 that true of all modes?

21 A. I discuss in 94 that Shiplacoff
22 discusses the flick input is already programmed

1 to perform a different action in the full-screen
2 mode. That is how we start off the paragraph.

3 Q. Uh-huh. So --

4 A. And then --

5 Q. -- sorry.

6 A. And then when I referred to Duarte
7 in the later part of Paragraph 94.

8 Q. Uh-huh.

9 A. I am specifically talking about
10 Duarte-992 as disclosing, therefore Shiplacoff
11 disclosing a drag scroll operation in which a
12 user performs a drag gesture, also referred to as
13 a flick gesture, across the screen in the
14 direction that supports scrolling.

15 And, and this one is disclosing that
16 its flick input is an on-screen input. That when
17 in a full-screen mode, it is already programmed
18 to trigger scrolling off a displayed object.

19 Q. Uh-huh. So, this --

20 A. So this is --

21 Q. Go ahead.

22 A. This discloses, disclosing that the

1 drag flick is, when operated in a full-screen
2 mode, is, is scrolled.

3 Q. I believe you referred to this
4 Paragraph 94 in response to a question about card
5 mode.

6 So, how does this paragraph's
7 disclosure relate to card mode?

8 A. Oh, okay, okay.

9 So, this is discussing that -- this
10 paragraph is actually talking about the fact that
11 the flick input is already programmed to perform
12 a different action in full-screen mode.

13 So, with respect to the card mode --
14 so, maybe you should repeat your question again.
15 Maybe I misunderstood what you are asking.

16 Q. So, I believe we were looking
17 originally at Paragraph 79 of Shiplacoff.

18 A. Okay.

19 Q. And, we had read the sentence that
20 related to dragging any displayed card 301.

21 And I asked the question how would
22 Shiplacoff's device determine that an input is

1 dragging any displayed card 301?

2 MR. ROBINSON: Objection, form.

3 THE WITNESS: Again, I'm not clear
4 as to what specifically you are asking. I
5 thought you were asking something else, but
6 I'm not sure what your question is asking.

7 Because it discloses in 79 what is
8 discloses.

9 BY MR. HOLT:

10 Q. Well, I agree with that, certainly.

11 I'm -- I guess I'm asking, how does
12 Shiplacoff's device determine that such an input
13 is a drag in the first place, as opposed to some
14 other input?

15 MR. ROBINSON: Objection, form.

16 THE WITNESS: Again, you have to
17 point me to some specific discussion in my
18 declaration. I'm not sure again, as to what
19 specifically you are asking.

20 BY MR. HOLT:

21 Q. Just a general question about
22 Shiplacoff's disclosure, regarding how

1 Shiplacoff's device identifies a specific gesture
2 as that specific gesture.

3 Have you considered that?

4 A. I have, I relied on the disclosures
5 of Shiplacoff and Duarte-992, for example, as
6 disclosed and covered and explained in my
7 declaration to explain the basis of opinions.

8 Q. Okay. Can you point me to where in
9 your declaration you talk about how Shiplacoff is
10 able to distinguish between different types of
11 gestures?

12 A. I provide opinions with respect to
13 rebutting some of the challenges raised by the
14 petitioner.

15 So, for example, I was saying that
16 certain types of inputs are detected only in
17 certain operational contexts.

18 And, Shiplacoff, for example, does
19 not disclose using a movement threshold to
20 differentiate inputs.

21 Q. Uh-huh.

22 A. But, rather distinguishes inputs

1 based on contact with an off-screen gesture area,
2 for example.

3 Q. Uh-huh.

4 A. I also describe additional opinions,
5 but I certainly provide a rebuttal to each of the
6 arguments raised by the petition and its expert
7 in context of how Shiplacoff's inputs are
8 detected in different -- apply that.

9 In other words, the petition
10 incorrectly applies gestures that are only
11 detected in different operational contexts
12 contrary to the requirements of the asserted
13 claims. And it does not disclose a movement
14 threshold to differentiate inputs.

15 Q. Okay. Did you generally describe or
16 seek to understand how Shiplacoff distinguishes
17 between different types of gestures?

18 A. As I described in my --

19 MR. ROBINSON: Objection, form.

20 THE WITNESS: As I described in my
21 declaration, I provide a fulsome analysis of
22 my rebuttal to the arguments raised in the

1 petition and its expert declaration that
2 certain inputs are only detected in certain
3 operational contexts.

4 BY MR. HOLT:

5 Q. Uh-huh.

6 A. And that there is no movement
7 threshold in Shiplacoff to differentiate inputs.
8 But, Shiplacoff, rather, distinguishes inputs
9 based on contact with something called a gesture
10 area, and so on.

11 So, my declaration has more
12 additional opinions and their bases on those
13 issues.

14 Q. Okay. In your opinion, is
15 Shiplacoff able to distinguish between different
16 types of gestures on the display?

17 A. In my opinion, Shiplacoff's --
18 My specific opinion is that
19 Shiplacoff's swipe-up gesture and tap or flick
20 gesture are inputs, are detected in different
21 operational contexts.

22 Q. Uh-huh.

1 A. And this is contrary to the claim
2 requirements, the asserted claim requirements of
3 the '758.

4 And Shiplacoff does not disclose
5 using a movement threshold to differentiate
6 inputs. But, to the extent that it discloses
7 distinguishing inputs, these are based on contact
8 with an off-screen gesture area that is -- that
9 Duarte provides additional -- Duarte-992 provides
10 additional details on.

11 Q. Okay. So, do you -- sorry, go
12 ahead.

13 A. And further, and further, the tap or
14 flick input fails to satisfy the claims because
15 it is not detected in full-screen mode and would
16 conflict with the conventional scrolling
17 functions.

18 And the tap input that is pointed to
19 in the petition does not include the movement
20 criteria. So, all of these are the opinions that
21 I provide in my declaration, among others.

22 Q. I think you just mentioned criteria;

1 is that correct?

2 A. Yes.

3 Q. What criteria does Shiplacoff
4 consider with relation to inputs on the display?

5 MR. ROBINSON: Objection, form.

6 THE WITNESS: I would use those
7 terms. I would say that Shiplacoff has
8 specifically -- Shiplacoff's swipe-up and tap
9 or flick inputs that are pointed to within
10 the petition are depicted in different
11 operational context.

12 So, for example, the claim requires
13 that -- could I have a copy of the patent?

14 BY MR. HOLT:

15 Q. Sure. It should be downloading.

16 (Whereupon, previously marked
17 Exhibit 1001,
18 first referral.)

19 THE WITNESS: So, I have downloaded
20 Exhibit 1001, which is the '578 patent.

21 BY MR. HOLT:

22 Q. Uh-huh.

1 A. And looking at, say, exemplary
2 claim, independent Claim 1, it requires that in
3 response to detecting the first input, replacing
4 the home screen with the user interface of the
5 application.

6 And then says while displaying the
7 user interface of the application detecting a
8 second input by a second contact that includes
9 movement across the display in a direction.

10 And then it discusses the
11 limitations J and K where it uses the second
12 input with an antecedent basis by a second input.

13 So, both of those should refer to
14 the case where you are, where you are referring
15 to in limitation I and the earlier limitations.

16 Q. Uh-huh, uh-huh.

17 A. So, in that context, I provide a
18 fulsome analysis.

19 Q. Okay.

20 A. That, the swipe up and the tap or
21 flick are in a different operational context
22 contrary to the claims requirements.

1 Q. Okay.

2 MR. ROBINSON: David, I don't want
3 to interrupt, but we have been going about an
4 hour and a half.

5 MR. HOLT: Yup.

6 MR ROBINSON: Think we could take a
7 bathroom break at some time?

8 MR. HOLT: No worries. Yes. Now a
9 good time. Is 10 minutes okay?

10 MR. ROBINSON: Yup.

11 MR. HOLT: Okay. Let's plan to come
12 back at -- I guess it would be around 11:42.

13 MR: ROBINSON: Thank you.

14 (Recess taken -- 11:32 a.m.)

15 (After recess -- 11:42 a.m.)

16 BY MR. HOLT:

17 Q. Okay. If you could turn to
18 Shiplacoff Exhibit 1004, and to Paragraph 86,
19 which is on Page 30.

20 A. Okay.

21 Q. Okay. There appear to be two
22 possibilities talked about in this paragraph.

1 The first is described in the first, I believe,
2 three sentences. And the second is described in
3 the fourth sentence. So, I would like to break
4 that down a little bit.

5 It starts out with saying, "If the
6 user drags cards 301 so as to place a card 301
7 sufficiently close to the central position to
8 make it clear that the intention is to give the
9 card 301 focus, the card 301 snaps into the
10 central position upon completion of the drag
11 operation."

12 Do you see that?

13 A. First of all, you tried to summarize
14 the section and I didn't summarize it that way.

15 Q. I was reading the paragraph just
16 now.

17 A. Yeah. But, with respect to your
18 specific question, regarding Paragraph 86, it
19 says in one embodiment, so you missed that "in
20 one embodiment".

21 Q. Okay. Would you say that this whole
22 paragraph has to do with that one embodiment?

1 A. All I can say is that it discloses
2 what it does. So, I don't wish to summarize it
3 in any other way, other than saying that it
4 discloses what it discloses.

5 Q. Okay. But it says in the very
6 beginning "in one embodiment" as you noted.

7 A. Yes.

8 Q. So does that one embodiment relate
9 to the whole paragraph?

10 A. It looks like, but again I have not
11 reviewed it very closely.

12 Q. Alright. Do you see the first
13 sentence and that it, in addition to "in one
14 embodiment" states the quote that I read aloud
15 just a moment ago?

16 A. Yes, you are reading from the first
17 four lines -- first five lines of Paragraph 86.

18 Q. Yes. The last sentence starts with,
19 "If on the other hand, the user drags cards 301 a
20 small amount, that does not cause a new card 301
21 to be sufficiently close to the central position.
22 All cards 301 snap back to their previous

1 positions upon completion of the drag operation."

2 Do you see that?

3 A. You read from the last sentence of
4 Paragraph 86 of the card mode operations of
5 Shiplacoff.

6 Q. Yes. Is it correct that this is
7 describing a determination of a drag that is
8 either enough to place a card 301 sufficiently
9 close to the central position to make clear that
10 the intention is to give the card focus or it is
11 not sufficiently close to the central position?

12 MR. ROBINSON: Objection, form.

13 THE WITNESS: I disagree with that
14 characterization. I think the language of
15 Paragraph 86 is what it discloses.

16 BY MR. HOLT:

17 Q. Okay. What does it disclose?

18 MR. ROBINSON: Objection, form.

19 THE WITNESS: You have to read
20 Paragraph 86 as disclosed in the
21 specification. I don't have -- I don't wish
22 to summarize it in any other way.

1 BY MR. HOLT:

2 Q. Okay. So, when Shiplacoff in
3 Paragraph 86 says, "If on the other hand, the
4 user drags card 301 a small amount," what is it
5 comparing this to, to use the phrase "on the
6 other hand"?

7 MR. ROBINSON: Objection, form.

8 THE WITNESS: Again, I'm not sure
9 specifically what you are asking. I would
10 defer to the language in 86 itself.

11 BY MR. HOLT:

12 Q. So, can you go ahead and read
13 Paragraph 86 out loud for us.

14 MR. ROBINSON: Objection, form.

15 THE WITNESS: In Shiplacoff
16 Paragraph 86 that I am reading in response to
17 your request.

18 BY MR. HOLT:

19 Q. Uh-huh.

20 A. Paragraph 86 of Shiplacoff states,
21 "In one embodiment, if the user drags cards 301
22 so as to place a card sufficiently close to the

1 central position to make it clear that the
2 intention is to give card 301 focus, the card 301
3 snaps into central position upon completion of
4 the drag operation.

5 "Other cards 301 snap into place
6 accordingly to maintain the same positional
7 sequence.

8 "Thus, the user need not drag the
9 card at 301 all of the way to the central
10 position.

11 "If, on the other hand, the user
12 drags cards 301 a small amount that does not
13 cause a new card to be sufficiently close to the
14 center position. All cards snap -- all cards 301
15 snap back to their previous positions upon
16 completion of the drag operation."

17 So, you are referring to certain
18 operations in Shiplacoff that are carried out in
19 the card mode.

20 Q. Uh-huh.

21 A. And that is Paragraph 86 that I read
22 out to you.

1 Q. Okay. So, according to what you
2 just read in Paragraph 86, what happens if a user
3 drags card 301 so as to place a card 301
4 sufficiently close to the central position to
5 make it clear that the intention is to give the
6 card 301 focus?

7 MR. ROBINSON: Objection, form.

8 THE WITNESS: Again, I would defer
9 to the language in the specification. This
10 is not something that I discussed in my
11 declaration. I don't want to speculate. I
12 would rather defer to the language of the
13 declaration.

14 If you can point me to my
15 declaration where I discuss then, then I can
16 certainly refer to that. But, I don't
17 believe that this is something that the
18 petitioner discussed in their petition.

19 BY MR. HOLT:

20 Q. Understood. I'm trying to
21 understand how Shiplacoff works in light of --

22 A. As I said, as I said, I would defer

1 to the language in the spec. I don't believe
2 that this was an argument that was raised by the
3 petitioner in its petition.

4 Q. Okay.

5 A. So, I did not discuss it, I believe.
6 Again, unless you can point to me a portion of my
7 declaration that discusses Paragraph 86. I don't
8 think there is Paragraph 86 discussed of
9 Shiplacoff in my declaration.

10 Q. Go down to Paragraph 100.

11 A. Of what, counsel?

12 Q. Of Shiplacoff. On Page 31.

13 A. Okay.

14 Q. Did you consider Paragraph 100 in
15 preparing the opinions in your declaration?

16 A. In Paragraph 100 of my declaration,
17 I referred to Duarte-992. And Paragraph 100 of
18 Duarte-992. In Paragraph 70, I do refer to
19 Shiplacoff Paragraphs 99 through 102 that are
20 included in the specification entitled Card Mode.

21 So Paragraph 70 of my declaration
22 and Paragraph 69, they mention Paragraph 100 of

1 Shiplacoff.

2 Q. Okay.

3 A. But, these are in the card mode, as
4 I said here.

5 Q. Yes, understood. And in
6 Paragraph 70, you cite to also Paragraphs 77
7 through 106; is that correct?

8 A. In Paragraph 70 of my declaration?

9 Q. Yes.

10 A. I cite to which paragraphs?

11 Q. After the first sentence, I believe
12 there is a citation, Shiplacoff Paragraph 0077
13 through 0106?

14 A. Yes. I was referring to the
15 Shiplacoff Paragraphs 99 through 102 that are
16 included in the section of the specification
17 entitled, Card Mode Shiplacoff, Paragraph 77
18 through 106 of Shiplacoff in the card mode.

19 Q. Okay. And then I think in the next
20 sentence you also cite at the end of that to a
21 general review of Paragraphs 77 through 98 of
22 Shiplacoff; is that correct?

1 MR. ROBINSON: Objection, form.

2 THE WITNESS: I referred to
3 Shiplacoff describing device operations with
4 respect to entering and exiting card mode.

5 BY MR. HOLT:

6 Q. Uh-huh.

7 A. And I referred to Paragraphs 77
8 through 98 of Shiplacoff.

9 Q. Okay.

10 A. In that context.

11 Q. When you were writing this portion
12 of your declaration, had you read all of those
13 paragraphs of Shiplacoff?

14 MR. ROBINSON: Objection, form.

15 THE WITNESS: Yes. I was again
16 rebutting the specific arguments and
17 positions taken by the petition, the petition
18 and its expert, in mind.

19 BY MR. HOLT:

20 Q. Okay. Did you, in having read
21 Paragraphs 77 through 106, feel as though you had
22 an understanding about how Shiplacoff worked with

1 respect to its description in these paragraphs?

2 MR. ROBINSON: Objection, form.

3 THE WITNESS: Yes. I reviewed these
4 paragraphs in the context of my rebuttal --

5 BY MR. HOLT:

6 Q. Uh-huh.

7 A. -- of the petitioner's arguments and
8 their basis.

9 And my opinions are fully captured
10 in my declaration along with the basis at the
11 time that I provided the declaration.

12 Q. Okay. When you were considering
13 these paragraphs, were you considering how a
14 POSITA would have understood Shiplacoff's card
15 mode to work?

16 MR. ROBINSON: Objection, form.

17 THE WITNESS: I was looking at these
18 paragraphs to see how Shiplacoff described
19 its card mode and what the disclosures were
20 in the card mode section.

21 BY MR. HOLT:

22 Q. Okay. So, when we were considering

1 just a moment ago Paragraph 86, did you read
2 Paragraph 86 as part of preparing this portion of
3 your declaration?

4 MR. ROBINSON: Objection, form.

5 THE WITNESS: As I said very
6 briefly, I reviewed it. I did not respond --
7 I was focusing on responding to the arguments
8 raised in the petition and their bases --

9 BY MR. HOLT:

10 Q. Uh-huh.

11 A. -- and that was the focus of my
12 review.

13 Q. I believe a little bit further down
14 that paragraph you have a sentence, this is kind
15 of I guess the first full sentence of Page 46.

16 That starts with, "In particular,
17 these disclosures focus on how quote newly
18 launched activities generate new cards." Do you
19 see that sentence?

20 A. I do. You are referring to
21 Paragraph 70 of my declaration.

22 Q. Yes.

1 A. Yes, I see the sentence that starts
2 with "in particular" on the top of Page 46.

3 Q. Okay. There is a portion of that
4 sentence that says, "how 'a card 301 can be
5 closed by,' e.g. 'clicking on a control within
6 the card, dragging the card upward off screen
7 101, or performing a flicking action in an upward
8 direction' as shown in Figures 8A through 8B."

9 And then you cite to Shiplacoff,
10 Paragraphs 100 to 103.

11 Do you see that?

12 A. I do.

13 Q. Okay. And then in that, it looks
14 like same sentence, there is a portion that
15 reads, "and how cards can be 'rearranged while in
16 card mode by tapping and holding, and then
17 dragging a card 301 from one position to
18 another,' as shown over Figures 9A through 9D."

19 Do you see that?

20 A. Yes.

21 Q. Okay. In writing that sentence and
22 reviewing these paragraphs, did you consider

1 these paragraphs closely with respect to how
2 Shiplacoff performs these described functions?

3 MR. ROBINSON: Objection, form.

4 THE WITNESS: As I said, I mean I
5 was rebutting the arguments raised by the
6 petition and the petitioner --

7 BY MR. HOLT:

8 Q. Uh-huh.

9 A. -- and its expert. I was not --
10 that was my focus. And I provided a fulsome
11 disclosure of my opinions and the basis in my
12 declaration as you can see.

13 So, that is the extent of my
14 opinions.

15 Q. Okay. Did that include considering
16 how a POSITA would have understood the
17 functionality described in these paragraphs to
18 have worked in Shiplacoff's device?

19 MR. ROBINSON: Objection, form.

20 THE WITNESS: As I said, counsel, my
21 opinions was to rebut the expert's
22 disclosures of the arguments in the petition.

1 And that was the focus of my
2 declarations and the opinions. I don't wish
3 to offer new opinions here that are not in my
4 declaration.

5 So, if there is something in my
6 declaration that you would like to ask me, I
7 would be glad to answer.

8 BY MR. HOLT:

9 Q. Okay. This sentence in this
10 paragraph talks about how a card can be closed
11 by, for example, clicking on a control within the
12 card, dragging the card upward off screen or
13 performing a flicking action in an upward
14 direction, correct?

15 A. Which portion are you referring to?

16 Q. The part that is one, two, three,
17 four, five lines down, Page 46?

18 A. I am referring to Shiplacoff in
19 Paragraphs 100 to 103.

20 Q. Uh-huh.

21 A. And Figures 8, 8A, and 8B of
22 Shiplacoff.

1 Q. Uh-huh, okay.

2 A. In the context of the deposition of
3 Terveen.

4 Q. So your discussion in this sentence
5 is confined to the context of Dr. Terveen's
6 deposition?

7 MR. ROBINSON: Objection, form.

8 THE WITNESS: I am not -- whatever I
9 put in my declaration is what I am relying
10 upon. So, I'm not sure as to your specific
11 question.

12 But, I refer to these while
13 referring to Dr. Terveen's deposition.

14 BY MR. HOLT:

15 Q. Understood.

16 A. Where he provides support for some
17 of the opinions that are described here.

18 So, what I am saying here is that
19 all of these paragraphs are in the section of the
20 specification entitled Card Mode and they would
21 describe certain features that are only present
22 in card mode.

1 Q. Okay, okay. That makes sense.

2 So, based on your description here,
3 how can a card be closed in card mode?

4 A. So, as I describe here in
5 Paragraph 70 --

6 Q. Uh-huh.

7 A. -- in the card mode, for example, in
8 Figure 7, a card 301 can be closed by e.g.
9 clicking on a control within the card, dragging
10 the card upward off screen 101, or performing a
11 flicking action in an upward direction as shown
12 in Figures 8A and 8B.

13 Q. Okay. Are each of those three
14 options that you just read off different types of
15 gestures?

16 MR. ROBINSON: Objection, form.

17 THE WITNESS: So, the clicking on
18 the control within a card is different from
19 dragging the card upward off screen 101, for
20 example.

21 BY MR. HOLT:

22 Q. Uh-huh. Are each of those gestures?

1 MR. ROBINSON: Objection, form.

2 THE WITNESS: As I describe here, in
3 clicking on, clicking on a control within the
4 card is different from dragging the card
5 upward off the screen.

6 So, in that sense, they are
7 different, they are different user inputs.

8 BY MR. HOLT:

9 Q. Okay. Let's stick with using the
10 term "user input" because that is what you are
11 calling these.

12 Is the dragging the card upward off
13 the screen 101 a different user input than
14 performing a flicking action in an upward
15 direction?

16 A. The drag and the flick are described
17 in Duarte-992 as the same operation. Duarte-992
18 is incorporated into Shiplacoff by reference.

19 So, when you read Shiplacoff 992, a
20 person of ordinary skill in the art would
21 understand that the drag and the flick are
22 described in Duarte-992 as the same user input.

1 Q. Okay. So, despite the fact that
2 those two are listed separately by Shiplacoff,
3 those are the same user input, correct?

4 MR. ROBINSON: Objection, form.

5 THE WITNESS: I would not agree with
6 your characterization of the disclosure of
7 Shiplacoff as you just said.

8 Shiplacoff discloses through its
9 incorporation by Duarte-992, and Duarte is
10 also coinventor on the Shiplacoff.

11 BY MR. HOLT:

12 Q. Uh-huh.

13 A. That these are that a flick and a
14 drag are the same operation.

15 Q. This that we are reading here after
16 the e.g. in your declaration is a direct quote
17 from Shiplacoff; is that correct?

18 A. It refers to the language that is
19 present in the card mode of Shiplacoff in
20 Paragraph 100.

21 Q. Okay. In Paragraph 100, the third
22 sentence describes that in another embodiment, a

1 card 301 can be closed by dragging the card
2 upward off the screen 101 or performing a
3 flicking action in an upward direction.

4 Is that correct?

5 A. You are reading from Paragraph 100
6 of Shiplacoff.

7 Q. Yes.

8 A. You have read it correctly that it
9 refers to the card mode of operation.

10 Q. Okay. So, it has, in this sentence,
11 described dragging the card upward off the screen
12 101, and thereafter describe performing a
13 flicking action in an upward direction, correct?

14 A. Again, you are not reading the
15 specification as it discloses this embodiment.
16 You are using your own words. To that, I would
17 disagree with your summarization of the
18 disclosure.

19 The actual disclosure is that in the
20 card mode of Paragraph 100, in another
21 embodiment, the card 301 can be closed by
22 dragging the card upward off screen 101 or

1 performing a flicking action in an upward
2 direction.

3 And in the card mode, given the
4 disclosures of Duarte-992, one of ordinary skill
5 would understand they are the same operation.

6 Q. Okay. So, Shiplacoff here is
7 describing the same operation two different ways
8 in this sentence; is that correct?

9 MR. ROBINSON: Objection, form.

10 THE WITNESS: Again, I am not
11 sitting here in the mind of Shiplacoff. I am
12 just discussing the disclosure and what it
13 conveys to one of ordinary skill in the art.

14 And it conveys to one of ordinary
15 skill in the art in the context of
16 Duarte-992, that is incorporated by
17 reference, that in the card mode these are
18 operations that are the same or equivalent.

19 BY MR. HOLT:

20 Q. Okay. Going back to that part of
21 your declaration, Paragraph 70 on Page 46.

22 A. Okay.

1 Q. After we talk about how a card 301
2 can be closed, you then talk about how cards can
3 be rearranged. Is that correct?

4 A. I describe that in the context of
5 the Terveen deposition, agreeing that Figures 8A
6 and 8B depict an embodiment for dismissing or
7 closing a card in card mode, how cards can be
8 rearranged while in card mode by tapping and
9 holding, and then dragging a card 301 from one
10 position to another, as shown in Figures -- as
11 shown over Figures 9A through 9B in Shiplacoff.

12 And I say that in no where in
13 Shiplacoff is a full-screen mode discussed or
14 mentioned in Paragraphs 99 through 102.

15 Q. Okay. Is it the case -- and this is
16 a little bit difficult to parse for me.

17 Can you help me understand the line
18 of Page 46 that starts with Figures 8A through 8B
19 and then is has an open parenthetical. And it
20 starts with Shiplacoff Paragraphs 100 through
21 103; Terveen deposition, with a cite to pages and
22 lines from the Terveen deposition.

1 And then there is another open
2 parens saying that agreeing that the Figures 8A
3 and 8B depict with a quotation, and then one
4 closed parens. There appear to be two open
5 parens and only one closed parens.

6 Do you know wherein there, the
7 second closed parens should go?

8 A. I think the first, when it says
9 Shiplacoff, and there is something called 100 to
10 103, there should be a closed parens after that,
11 I think.

12 Q. Okay. What is within those
13 parentheses, those are citations; is that
14 correct?

15 A. Yes, I think they are Paragraphs 100
16 through 103 of Shiplacoff.

17 Q. Okay. And then some portion of the
18 Terveen deposition; is that correct?

19 A. Yes.

20 Q. Okay. What are those citations
21 intended to support in your sentence?

22 MR. ROBINSON: Objection, form.

1 THE WITNESS: Again, I would defer
2 to the language in my declaration. I don't
3 want to summarize or limit my disclosures
4 today.

5 So, I would view them in the context
6 of Paragraph 70, that is described specific
7 disclosures of Shiplacoff in the context
8 of -- in the operational context, in the
9 specific operational context of card mode.

10 BY MR. HOLT:

11 Q. Okay. So, these citations don't
12 relate to a particular part of this sentence? Or
13 they do?

14 MR. ROBINSON: Objection, form.
15 Asked and answered.

16 THE WITNESS: I don't wish to limit
17 them in any particular way. And I would say
18 that they are in the context of Paragraph 70,
19 which should be in the context of the
20 discussions in my declaration.

21 BY MR. HOLT:

22 Q. Okay.

1 A. It is difficult for me to limit
2 something on the fly.

3 Q. I'm not sure I'm trying to have you
4 limit anything, so much as trying to understand
5 how to parse this sentence is all.

6 Is it incorrect to say that this
7 sentence is describing or relates to Shiplacoff's
8 disclosure regarding how a card 301 can be closed
9 in card mode and also how cards can be arranged
10 in card mode?

11 MR. ROBINSON: Objection, form.

12 THE WITNESS: I would say that these
13 are describing portions of Shiplacoff in the
14 card mode as understood by one of ordinary
15 skill in the art.

16 And the specific disclosures in my
17 report speak for themselves.

18 BY MR. HOLT:

19 Q. So, how can cards be rearranged in
20 card mode?

21 A. Again, I would defer to the
22 disclosures of Shiplacoff. And all of these

1 disclosures are only in the specific operational
2 context of card mode which is the point that I'm
3 raising. No where in these paragraphs of
4 Shiplacoff is a full-screen mode discussed or
5 mentioned.

6 Q. Okay. So, does this sentence
7 address how cards can be rearranged in a card
8 mode?

9 A. All of these operations here refer
10 to the card mode, and only to the card mode.

11 Q. Okay. In card mode, does this
12 sentence address how cards can be rearranged?

13 A. As I said, I mean I would defer to
14 the full disclosures of Shiplacoff. I don't want
15 to limit it to one particular example. I have
16 referred here to a few examples, but certainly I
17 am referring to many different figures here.

18 So, I'm not sure as to your specific
19 question.

20 Q. I am trying to understand what this
21 sentence means in your declaration. And so we
22 have a sentence that starts at the second line

1 with the words, "In particular, these
2 disclosures," and appears to end, let's see, one,
3 two, three, four, five, six, seven, eight, nine,
4 ten lines further down, with a citation to
5 Shiplacoff, Paragraphs 104 through 106.

6 Do you see that?

7 A. Yes.

8 Q. What are you trying to convey with
9 this sentence?

10 A. I am trying to convey that --

11 MR. ROBINSON: Objection, form.

12 THE WITNESS: -- that the
13 disclosures in this paragraph disclose
14 that -- in none of the paragraphs a
15 full-screen mode is discussed or mentioned.

16 And a person of ordinary skill in
17 the art would have viewed this entire
18 section, along with other sections that are
19 referenced in the card mode, as limited to
20 the specific operational context of the card
21 mode.

22 BY MR. HOLT:

1 Q. Okay. Did you form any opinions
2 about how Shiplacoff works in card mode?

3 MR. ROBINSON: Objection, form.

4 THE WITNESS: As I described
5 earlier, I was providing a rebuttal to the
6 petitioner's opinions and arguments and the
7 basis, along with the expert opinion and
8 basis of the petitioner.

9 In that context, I provided a full
10 summary and their basis.

11 BY MR. HOLT:

12 Q. Okay.

13 A. So, that is the context of my
14 declaration and disclosure.

15 Q. Okay. Did you describe in your
16 declaration what would happen if a user input a
17 flick in full-screen mode?

18 A. I believe I address some of the
19 arguments raised by the petitioner and its
20 expert. And opined that the person of ordinary
21 skill in the art would have understood that
22 Shiplacoff to disclose that its flick input is an

1 on-screen input that is only available in card
2 mode. That it is an on-screen input that is
3 available in card mode.

4 Q. And what would the flick do in
5 full-screen mode?

6 MR. ROBINSON: Objection, form.

7 THE WITNESS: What are you referring
8 to in Shiplacoff that references a flick in
9 full-screen mode? I don't see that reference
10 to the flick in full-screen mode on
11 Shiplacoff.

12 BY MR. HOLT:

13 Q. I believe you stated, "A POSITA
14 would have understood that Shiplacoff's flick
15 input is already programmed to trigger a
16 different action in full-screen mode." That is
17 in Paragraph 94 of your declaration.

18 A. Yeah, I think the context of
19 Figure 94 explains what I meant there, that
20 Shiplacoff explains in the full-screen mode the
21 user interacts with the active activity by
22 conventional user interface methods.

1 And, I reference in particular
2 Duarte-992 that discloses a drag scroll operation
3 in which the user performs a drag gesture, also
4 referred to as a flick gesture --

5 Q. Uh-huh.

6 A. -- across the screen that supports
7 scrolling or for the current state of the
8 display.

9 So, in that context, in the
10 full-screen mode, I specifically call out the
11 drag or the flick gesture which are the same as
12 per Duarte-992 which is incorporated by
13 reference.

14 So, therefore Shiplacoff, via
15 Duarte, discloses it, that when you are in a
16 full-screen mode, it is already programmed to
17 trigger scrolling of displayed objects.

18 Q. Uh-huh. I think in Paragraph 96,
19 you give an example of that; is that correct?

20 MR. ROBINSON: Objection, form.

21 THE WITNESS: Example of what?

22 BY MR. HOLT:

1 Q. The example of a scrolling operation
2 in a calendar application?

3 A. In 96, I describe that a POSITA
4 would have understood when a calendar application
5 is active. "Such as the application being
6 described in a full-screen mode in Shiplacoff's
7 Figure 2, Paragraph 75, substantially vertical
8 gestures on the displayed calendar," which is an
9 on-screen gesture, "would conventionally be used
10 for scrolling -- "

11 Q. Uh-huh.

12 A. " -- to other months, dates, times,
13 on the calendar." And I provide support from a
14 couple of other references such as Anzures.

15 Q. Uh-huh. Would there have been a
16 different outcome on the displays we see depicted
17 on Page 61, if a user were to have input a
18 substantially horizontal gesture on the display
19 calendar?

20 MR. ROBINSON: Objection, form.

21 THE WITNESS: What are you referring
22 to in my declaration?

1 BY MR. HOLT:

2 Q. I'm asking a question about how
3 these interfaces that you have cited to in
4 Paragraph 96 of your declaration would work or
5 how a POSITA would understand they would work.

6 You have a description here of what
7 a POSITA would have, a POSITA would have
8 understood with respect to these displays.

9 So, I'm asking a question about what
10 a POSITA would have understood with respect to
11 these displays.

12 So, how would a POSITA have
13 understood these displays to have responded to a
14 substantially horizontal gesture, for example?

15 MR. ROBINSON: Objection, form.

16 THE WITNESS: I don't have an
17 opinion on that. That is not something I
18 considered.

19 BY MR. HOLT:

20 Q. Did you render an opinion in your
21 declaration about how the interfaces you show on
22 Page 63 would have responded to any input other

1 than a substantially vertical gesture?

2 MR. ROBINSON: Objection, form.

3 THE WITNESS: My disclosure

4 discloses what it does, counsel. I don't

5 wish to offer new opinions today.

6 BY MR. HOLT:

7 Q. I'm not asking you to offer new
8 positions.

9 I'm asking whether or not this
10 declaration and the opinions you previously
11 formed address that issue.

12 Do they address what would happen
13 with respect to either of these displays, were
14 any gesture other than a substantially vertical
15 gesture input by the user?

16 MR. ROBINSON: Objection, objection,
17 form. Asked and answered.

18 THE WITNESS: Again, my positions
19 are my opinions, counsel. I don't wish to
20 summarize them in any other way.

21 BY MR. HOLT:

22 Q. I'm not asking you to summarize

1 them. Let me ask it this way, perhaps:

2 Can you point me to anywhere in your
3 declaration that you address what would happen if
4 a user were to input a gesture other than a
5 substantially vertical gesture with respect to
6 either of the displays shown on Page 63?

7 A. I have not memorized my declaration,
8 so I don't have an opinion on that issue.

9 Q. Okay. I'm happy to let you have a
10 look through your declaration and remind
11 yourself.

12 A. As I said, counsel, I mean I don't
13 wish to go outside my declaration. So, I don't
14 have an opinion on that issue.

15 Q. I'm not asking you to go outside
16 your declaration.

17 I'm asking you about your
18 declaration and about what is in it and what is
19 not in it.

20 A. Yes. What is in it is what is in
21 the 73 pages that are there. So, that is very
22 clear.

1 Q. Uh-huh. And I am asking whether or
2 not there is any other portion of your
3 declaration that addresses what happens when a
4 user provides any input on the displays shown on
5 Page 63 other than a substantially vertical
6 gesture.

7 A. I don't have an opinion on that. I
8 just rely on my disclosure itself. I don't
9 intend to rely on anything that is outside my
10 disclosure.

11 Q. Okay.

12 MR. HOLT: I think we have been
13 going for just about an hour; is that right?

14 THE WITNESS: Yes.

15 MR. HOLT: Okay. Okay to take a
16 ten-minute break?

17 THE WITNESS: Sounds good.

18 (Recess taken -- 12:43 p.m.)

19 (After recess -- 12:55 a.m.)

20 BY MR. HOLT:

21 Q. Dr. Madisetti, could you please turn
22 to Paragraph 93 of your declaration which begins

1 on Page 58 and goes over into Page 59.

2 A. Okay.

3 Q. The second sentence states that,
4 "A POSITA would have recognized that in order to
5 program a device such that a particular input
6 triggers a switch from full-screen mode to either
7 the launch screen or one of the other described
8 display modes, the input must be one that is not
9 already programmed to trigger a different
10 function or action related to the user's
11 manipulation of on-screen elements in the
12 application."

13 Was that a correct read of the
14 second sentence?

15 A. Yes. You are reading from
16 Paragraph 93 of my declaration in the context it
17 was written.

18 Q. Okay. When you talk about
19 programming a device such that a particular input
20 triggers a switch from full-screen mode to either
21 the launch screen or one of the other described
22 display modes, what do you mean by programming a

1 device?

2 A. We are talking about logic,
3 programming logic.

4 Q. How would a POSITA have programmed
5 that logic?

6 A. As I described in this --

7 MR. ROBINSON: Objection, form.

8 THE WITNESS: As I describe in the
9 rest of this section that a POSITA would
10 understand that, first of all, in
11 implementing Shiplacoff, they are going to
12 consider which gesture is appropriate for
13 which, or a particular given mode.

14 And that they would also consider
15 not using an already disclosed function for a
16 particular gesture to carry out a new
17 function or a different function.

18 So, this would cause user
19 confusion and effect the cognitive load
20 specifically when the modification is
21 already, the proposed modification is already
22 used in a different way within Shiplacoff.

1 I provide additional arguments along
2 these lines in the paragraphs that follow.

3 BY MR. HOLT:

4 Q. Uh-huh. The logic you were speaking
5 about before with respect to programming the
6 device, would that logic have been logic that
7 distinguishes between different types of
8 gestures?

9 A. What I am trying to say is that if
10 you have the particular gesture, you would not
11 reprogram it when the disclosure of Shiplacoff
12 already identifies a different function for that
13 gesture.

14 And I referred to that specifically
15 in the context of Paragraph 93.

16 Q. Uh-huh. So, you talked before, I
17 believe, about this programming being in the form
18 of logic; is that correct?

19 A. Programming refers to programming
20 logic.

21 Q. What form would a POSITA have
22 understood that logic to take?

1 A. I don't understand specifically what
2 you are asking.

3 Q. How would a POSITA have programmed a
4 device such that a particular input triggers some
5 action?

6 A. In the context of Paragraph 93,
7 which is what we are discussing at a high level,
8 one would not give more than one meaning to a
9 gesture in a particular mode of Shiplacoff.

10 Q. How does one give meaning to a
11 particular gesture in a mode?

12 A. I am not sure if you are asking --
13 what you are asking, counsel.

14 Q. Well --

15 A. I am saying here that in the context
16 of Paragraph 93, one would not give a gesture
17 more than one meaning in a particular user
18 interface or more.

19 Q. And I'm asking how do you give a
20 gesture meaning?

21 A. Through programming logic.

22 Q. And does that programming logic

1 distinguish between different types of gestures?

2 A. You are going back to your original
3 question. I'm not sure what you are asking
4 there.

5 Q. How is the logic you just spoke of
6 capable of determining that a particular input
7 has been assigned an action or outcome?

8 A. When you are asking me a question
9 related to infringement of a certain product, I
10 mean again, I would say that I would look at the
11 context. I am not sure specifically what you are
12 asking.

13 Q. This sentence suggests that there is
14 a manner in which a POSITA would have programmed
15 the device to assign a given gesture to a given
16 action; is that correct?

17 A. In the context of Paragraph 93, I am
18 trying to convey the opinion that a POSITA would
19 understand that in the context of the disclosure
20 of Shiplacoff, one would understand that in a
21 particular user interface or more, such as card
22 mode or full-screen mode being different from

1 each other, in each of those contexts a gesture
2 would have a single meaning, and Dr. Terveen
3 agrees with that principle and understanding.

4 Q. So, how would context that you have
5 just described would the POSITA in the logic
6 describe the gesture?

7 A. I am not sure as to what you are
8 asking, counsel.

9 Q. Are you saying that a POSITA would
10 use logic to associate a gesture with an action
11 or operation, correct?

12 A. That one would understand that your
13 gesture should have a single meaning within a
14 particular mode.

15 Q. Uh-huh. How is that gesture defined
16 in the logic or the programming?

17 A. I don't understand your question.

18 Q. In this sentence it states that a
19 particular input triggers a switch from
20 full-screen mode to either the launch screen or
21 one of the other described display modes.

22 How would a POSITA define that input

1 in the programming of the device?

2 A. It depends on the context. It
3 depends on the product. It depends on what the
4 specific objective functions were.

5 I give one particular context in the
6 context of Shiplacoff.

7 Q. Okay.

8 A. In the context of Shiplacoff, I am
9 saying that within the particular user interface
10 mode, such as one of card mode or a full-screen
11 mode, a gesture should have a single meaning, for
12 example.

13 Q. So, how in the context of
14 Shiplacoff, would a POSITA have defined one
15 input, what I believe you call here a particular
16 input from a different input?

17 A. I don't have a straight, clear
18 understanding of what you are asking. I would
19 just defer to the disclosures of Shiplacoff.

20 Q. In the first sentence of
21 Paragraph 94 which is the next paragraph --

22 A. Okay.

1 Q. -- you say, "A POSITA would have
2 understood that Shiplacoff's flick input is
3 already programmed to trigger a different action
4 in full-screen mode".

5 A. Yes. You are referring to a
6 sentence in Paragraph 94. It should be
7 understood in the context of the disclosures of
8 that paragraph --

9 Q. Okay.

10 A. -- with respect to Shiplacoff.

11 Q. What aspects of an input define it
12 as a flick input?

13 A. That, I defer to the disclosures of
14 Shiplacoff. It describes a flick as being the
15 same as a drag and it programs it as described in
16 the context of Shiplacoff.

17 So, I would defer again to
18 Shiplacoff and its disclosures.

19 Q. Let's have a brief look at that. I
20 don't believe I have sent you Duarte yet,
21 correct?

22 A. I don't think so.

1 (Whereupon, previously marked
2 Exhibit 2003,
3 first referral.)

4 BY MR. HOLT:

5 Q. I just sent over Exhibit 2003.

6 Can you let me know when you've been
7 able to download it and open it up?

8 A. Okay. Okay. I have downloaded and
9 opened up Exhibit 2003, Duarte-992.

10 BY MR. HOLT:

11 Q. Okay. Let's go, for example, down
12 to Paragraph 61.

13 A. Of what?

14 Q. Of this reference, Duarte-992,
15 Exhibit 2003.

16 A. Okay. Paragraph 61?

17 Q. Yes, sir.

18 A. Yes.

19 Q. Okay. This paragraph is under a
20 section of Duarte titled, Commands Performed on
21 Touch-Sensitive Screen 101, which is a title just
22 above Paragraph 60.

1 Is that correct?

2 Did you respond? I know my
3 connection is not great sometimes.

4 A. Okay. So you were asking me to go
5 to where?

6 Q. We were on Paragraph 61.

7 A. Of Duarte?

8 Q. Yes. Which is page, I think Page 23
9 of the PDF. It has been labeled in the bottom
10 right as Page 23 of 74.

11 A. Yeah, yeah. Now I am there.

12 Q. Okay. So, if you look at
13 Paragraph 61, it says Focus/Act.

14 Is that correct?

15 A. Yes.

16 Q. And Duarte-992 refers to this
17 focus/act as one of the commands that can be
18 initiated by a user. Is that correct?

19 A. It is referring that these are
20 commands performed on the touch-sensitive screen
21 101, as opposed to commands that are performed
22 within the gesture area 102 that starts in

1 Paragraphs 56 earlier.

2 Q. Okay. For the focus/act command,
3 Paragraph 61 states that, "The user can tap on an
4 object 401 or on some other area of screen 101 to
5 focus the object 401 or screen area, or to
6 perform an action identified by the object 401 or
7 screen area, such as opening a document or
8 activating an application."

9 Is that correct?

10 A. You are reading from Paragraph 61 of
11 the section called Commands Performed on a
12 Touch-Sensitive Screen 101 --

13 Q. Yes.

14 A. -- of Duarte-992.

15 Q. Yes.

16 A. I agree that Paragraph 60 is what
17 you read from Duarte-992.

18 Q. Okay.

19 A. Paragraph 61, sorry.

20 Q. Uh-huh. Further down in what I
21 understand to be the same section of Commands
22 Performed on Touch-Sensitive Screen 101, there is

1 a paragraph numbered 69, 0069.

2 And it relates to a scroll command.

3 A. Okay.

4 Q. Are the scroll commands of
5 Paragraph 69 and the focus/act command of 61
6 available with respect to the same user
7 interface?

8 A. I'm not sure what you are asking,
9 counsel.

10 Q. If the same user interface were
11 presented to a user in Duarte's system, would
12 that user be able to perform either the focus/act
13 command or the scroll command, depending on their
14 input?

15 A. In Paragraph 69 of Duarte,
16 Exhibit 2003, describes as I mentioned the drag
17 and the flick gestures as being the same.

18 Q. Uh-huh.

19 A. And the drag and the scroll and the
20 flick being the same. And, I don't see any
21 discussion about that or the focus here.

22 I'm not sure what you are asking.

1 Q. If you have a look at Figure 4H of
2 Duarte, which I believe is on Page 59 of that
3 document.

4 A. 59. Okay. I am on Page 59 of 74 of
5 Duarte, Exhibit 2003.

6 Q. Okay. There is a user interface on
7 the left of the page and another user interface
8 on the right of the page.

9 Is that correct?

10 A. Okay.

11 Q. And, this -- these figures were
12 utilized I believe in Paragraph 69 to describe
13 the scroll command.

14 Is that correct?

15 A. If you are referring to Figure 4H --

16 Q. Uh-huh.

17 A. -- in Paragraph 69. So, it is
18 referring to a Figure 4H in Paragraph 69, that
19 is, that is disclosed in Duarte, Exhibit 2003.

20 Q. Okay. So, Figure 4H is illustrating
21 this scroll command. Is that correct?

22 A. Which is describing, "Referring now

1 to Figure 4H, the user can perform a drag-scroll
2 operation by performing a drag gesture 402H (also
3 referred to as a flick gesture) across screen 101
4 in a direction that supports scrolling for the
5 current state of the display."

6 Q. Okay. If we start with the portion
7 of Figure 4H on the left that is the display of
8 the illustration of the device 100 that has the
9 arrow 402H on the screen.

10 A. Okay. I said okay.

11 Q. How would a POSITA have understood
12 the device described by Duarte to have determined
13 that there was a drag gesture 402H input on the
14 screen 101?

15 A. I again would defer to the
16 Paragraph 69. I don't want to summarize it in
17 any other way.

18 Q. In your opinion does Paragraph 69
19 provide a POSITA with sufficient information to
20 determine that a drag gesture 402H has been input
21 on screen 101?

22 A. Are you referring to a portion of my

1 declaration? I don't understand this specific
2 description --

3 Q. I believe we were --

4 A. -- as we discussed in my
5 declaration.

6 Can you point to a portion of my
7 declaration? I'm not sure what you are asking
8 right now.

9 Q. Did you cite to Paragraph 69 of
10 Duarte-992 at all in supporting your opinions in
11 your declaration?

12 A. Again, my declaration speaks for
13 itself. I have not memorized all of the
14 paragraphs that I have cited with respect to
15 Duarte.

16 Q. When you talk about in your
17 declaration the flick operation with respect to
18 Duarte-992, what portion of Duarte-992 are you
19 referring to?

20 A. That is referenced in my
21 declaration.

22 Q. Can you help me find in your

1 declaration where you talk about Duarte-992 with
2 respect to a flick?

3 A. I mean, I would defer to
4 Shiplacoff's description of the flick and
5 Duarte's description of the flick and drag and
6 the scroll as discussed in my declaration.

7 I mean, I have not memorized my
8 entire declaration, if that is what you are
9 asking me. You would have to go through my
10 declaration. I don't wish to omit any particular
11 citation just because I don't recall where it
12 was.

13 Q. Do you recall considering
14 Paragraphs 0069 through paragraph 0072 in
15 preparing your declaration of Duarte-992 which is
16 Exhibit 2003?

17 A. I have referenced to Duarte and I
18 have referenced Duarte's sections in my
19 declaration. And that is all I intend to rely
20 upon.

21 Q. Okay. Well, you did say that you
22 referenced Duarte-992's discussion of a flick; is

1 that correct?

2 A. As I said, I am not offering any new
3 opinions here, counsel. If it is not in my
4 declaration, it is not something that I have
5 opined upon.

6 So, my opinions and my basis are
7 disclosed in my declaration.

8 Q. Is it fair to say that sitting here
9 today you are not able to provide an opinion
10 about how Duarte-992 works outside of what you
11 have already explicitly described in your
12 declaration?

13 MR. ROBINSON: Objection, form.

14 THE WITNESS: The way I would
15 characterize my opinion is that I have
16 provided a full description of my opinions
17 and what I believe are the basis of support
18 in my declaration.

19 I don't wish to speculate on items
20 that I have not provided an opinion on. So,
21 that is the correct way I would characterize
22 my opinion. If asked and allowed in

1 future -- if I am asked and allowed, I may
2 offer additional opinions.

3 But at this point my declaration and
4 the basis are all that I am offering now.

5 BY MR. HOLT:

6 Q. I believe you cite in your
7 declaration to Paragraph 60 of Duarte-992.

8 You do so, for example, at the end
9 of Paragraph 77, just before Paragraph 78?

10 A. Paragraph 78.

11 Q. It is 77.

12 A. 77, okay. Okay.

13 Q. You are citing this paragraph in
14 support of the previous sentence that says, "As
15 shown in my annotated version of Shiplacoff's
16 Figure 1 provided below, the device described in
17 Shiplacoff includes a touch-sensitive area 102
18 that extends beyond the edges of touch-sensitive
19 screen 101."

20 Is that correct?

21 A. It should say 101 in the diagram. I
22 think that would be 100. Is that your question,

1 or --

2 Q. No, I'm asking about whether or not
3 your citation to Duarte-992, Paragraph 60, is in
4 relation to the sentence after which it is
5 included?

6 A. This is one of the locations I don't
7 cite Duarte.

8 Q. Okay.

9 A. There are so many other areas, so
10 many contexts of Paragraph 77.

11 Q. Yes.

12 A. This is one example of support from
13 Shiplacoff and also Duarte-992.

14 Q. Okay. If we go to Paragraph 60 of
15 Duarte-992.

16 A. Okay.

17 Q. Which I believe is on para --
18 Page 23 of that document.

19 A. Yes.

20 Q. Can you help me understand how this
21 paragraph relates to the sentence you have in
22 Paragraph 77 of your declaration?

1 MR. ROBINSON: Objection, form.

2 THE WITNESS: I think Paragraph 60
3 and 61 describe commands on a touch-sensitive
4 screen 101 of some kind, and that is what I
5 am referring to, 101 here. Nothing more, I
6 think.

7 BY MR. HOLT:

8 Q. Would multiple commands have been
9 possible with respect to screen 101?

10 A. Would you clarify what you mean by
11 that?

12 Q. If a user were presented with screen
13 101, does Duarte-992 in these paragraphs describe
14 that the user could input multiple different
15 commands?

16 A. Again, I would defer to the language
17 of Duarte. I don't wish to summarize it in any
18 way. Your question is not clear.

19 MR. HOLT: Okay. I think I may be
20 either done or close to done.

21 If you guys allow, I will take maybe
22 five minutes and come back and wrap up, if

1 that is okay?

2 THE WITNESS: Sounds good.

3 MR. HOLT: Okay. Great. Be back in
4 five.

5 (Recess taken -- 1:42 p.m.)

6 (After recess -- 1:50 p.m.)

7 BY MR. HOLT:

8 Q. Dr. Madisetti, just to confirm, did
9 you speak with anybody during any portion of the
10 questioning including breaks?

11 A. I did not speak to anybody at all.

12 Q. Okay.

13 MR. HOLT: No further questions.

14 THE WITNESS: I would like to review
15 my transcript and sign.

16 MR. HOLT: Okay.

17 MR. ROBINSON: And give me like ten
18 minutes just to review my notes and
19 double-check that we don't have any redirect.
20 I don't think we are going to, but we need a
21 few minutes.

22 MR. HOLT: Yes. No worries.

1 (Recess taken -- 1:51 p.m.)

2 (After recess -- 2:01 p.m.)

3 EXAMINATION

4 BY MR. ROBINSON:

5 Q. I just have a little bit of
6 redirect, Dr. Madiseti.

7 A. Uh-huh.

8 Q. Would you please refer to your
9 declaration --

10 A. Okay.

11 Q. -- at Paragraph 78.

12 A. Okay.

13 Q. So, on the fourth -- beginning at
14 the fourth line down, it says, "Duarte-992
15 discloses that device, quote, allows the user to
16 enter touch commands such as gestures in gesture
17 area 102," and continues on.

18 Do you see that sentence, sir?

19 A. I do.

20 Q. And, for that quote it cites
21 Duarte-992 at Paragraph 59?

22 A. Yes.

1 Q. Would you please refer to

2 Exhibit 2003.

3 A. Okay.

4 Q. Do you see that quoted language in

5 Duarte Paragraph 0059?

6 A. I don't see that specific language

7 unless you -- unless you can point me to

8 something.

9 Q. I'm going to ask you to refer to

10 Paragraph 44 of Exhibit 2003.

11 A. Yes. I'm looking at Paragraph 44.

12 Q. And do you see the quoted language

13 there?

14 A. Yes.

15 Q. So, it --

16 A. Yes, I see that language there.

17 MR. ROBINSON: Okay. I -- give me

18 one second. I'm trying to upload a document

19 but it is taking some time.

20 BY MR. ROBINSON:

21 Q. In the meantime, I will ask you to

22 refer to Paragraph 107 of your declaration.

1 A. Okay.

2 Q. About eight lines up from the
3 bottom, there is a sentence that begins,
4 "Duarte-992 discloses that, while an area
5 compatible to Nan's 'edge', i.e.," and then
6 quotes some language.

7 A. Yes.

8 Q. Do you see that?

9 A. Yes, I do.

10 Q. And, focus in on the last quoted
11 phrase in that sentence. It says, "Simply ignore
12 the gap when interpreting touch commands that
13 cross over from gesture area 102 to
14 touch-sensitive screen 101 and vice versa."

15 A. Okay. Yes.

16 Q. So for that quoted language it says
17 Duarte-992 at Paragraph 60, correct?

18 A. That's right.

19 Q. Okay. And would you please refer to
20 Exhibit 2003 at Paragraph 60.

21 A. Yes. I am at Paragraph 60.

22 Q. Do you see that quoted language from

1 Paragraph 107 of your declaration in that

2 Paragraph 60?

3 A. I do not.

4 Q. Would you please refer to Duarte at

5 Paragraph 45.

6 A. You are talking about the Duarte,

7 which is Exhibit 2003 that was uploaded today?

8 Q. Yes.

9 A. Okay. So, Paragraph 45. Yes, I am
10 at Paragraph 45.

11 Q. Do you see that language that is
12 quoted in Paragraph 107 of your declaration
13 there?

14 A. Yes. It is Paragraph 45. The
15 language is there in Paragraph 45.

16 Q. Okay.

17 A. Not in Paragraph 60.

18 Q. So, it appears that there may be a
19 mismatch in paragraph numbering.

20 Is that fair to say?

21 A. Yes. But maybe that is referring to
22 a different version of Duarte.

1 MR. ROBINSON: Sorry. I'm having
2 some technical difficulties with the
3 document. Could we take a quick five-minute
4 break and see if I can get that fixed so I
5 can upload it?

6 MR. HOLT: Sure.

7 (Recess taken -- 4:10 p.m.)

8 (After recess -- 4:28 p.m.)

9 (Duarte-992, Google Patents,
10 marked for identification.)

11 BY MR. ROBINSON:

12 Q. Dr. Madiseti, I uploaded a document
13 into the chat.

14 Are you able to access that
15 document, sir?

16 A. Yes.

17 Q. I will represent that this was PDF
18 printed from Google Patents a few minutes ago.

19 Do you recognize that as the Google
20 Patents' version of the Duarte-992 application?

21 A. Yes.

22 Q. All right. I will ask you to refer

1 back to your declaration at Paragraph 107,
2 specifically the language quoted from Duarte-992
3 that we looked at a moment ago as "simply ignore
4 the gap when interpreting touch commands when
5 crossing over touch-sensitive screen and vice
6 versa".

7 A. Yes.

8 Q. And Paragraph 107 of your
9 declaration that quotes Duarte-992 at
10 Paragraph 60, correct?

11 A. Yes.

12 Q. All right. I will ask you to refer
13 back to this new Google Patents' version of
14 Duarte-992, specifically at Paragraph 60 within
15 that document.

16 A. Yes.

17 Q. Do you see that language quoted in
18 Paragraph 107 of your declaration?

19 A. I do. It references the language in
20 Paragraph 60 of this exhibit from Google Patents.

21 Q. Yes. And I will ask you to refer
22 back to your declaration specifically at, I

1 believe it was Paragraph 78.

2 A. Okay.

3 Q. And do you see the quoted language
4 that begins, "allows the user to enter touch
5 commands such as gestures and gesture area 102,"
6 and it continues on?

7 A. Yes.

8 Q. And that references Duarte-992 at
9 Paragraph 79, correct?

10 A. That's right.

11 Q. Okay. And I will ask you to refer
12 back to this Google Patents' version of
13 Duarte-992.

14 A. This is one I was referring to.

15 Q. Do you see the quoted language in
16 Paragraph 59 of this Google Patents' version of
17 Duarte-992?

18 A. Yes, I do.

19 Q. Okay. So, is it the Google
20 paragraph numbering that you used in your
21 declaration, Dr. Madiseti?

22 A. Yes.

1 Q. Okay.

2 MR. ROBINSON: All right. No

3 further questions.

4 EXAMINATION

5 MR. HOLT: I will have some recross.

6 Is everybody ready for that?

7 THE WITNESS: Yes, I am.

8 BY MR. HOLT:

9 Q. Okay. Dr. Madisetti, during my
10 earlier set of questions, we compared various
11 parts of your declaration to the citations to
12 Duarte-992 and tried to explore how they related
13 to the portion of your declaration.

14 Did you recognize at the time of the
15 original questions that the citations were
16 incorrect?

17 A. I was -- it looked different. I was
18 not sure why because you referred to some sort of
19 file history and my recollection was a different
20 one.

21 Q. Okay.

22 A. So, I was not sure, but there was

1 some confusion on that issue.

2 So then I realized that it must have
3 been a separate version that was using some sort
4 of numbering.

5 Q. Okay. Did you happen to raise those
6 concerns when you first opened the file and were
7 looking through it?

8 A. I don't think I believe I
9 specifically -- we had questions regarding the
10 language specifically.

11 But, I was referring to the language
12 in my declaration.

13 Q. When you say you don't believe there
14 was questions to the language specifically, which
15 language are you talking about?

16 A. I was referring to the language in
17 my declaration with respect to Duarte. I was not
18 specifically asked to compare the language.

19 Q. Okay. But when we were talking
20 about specific sections of Duarte with Duarte
21 open, were you looking at the version that was
22 submitted as Exhibit 2003, or were you looking at

1 the Google version that has now been provided
2 during this deposition?

3 A. I was looking at the version that
4 you uploaded.

5 Q. Okay. So, when we were referring to
6 the document that I uploaded that was marked
7 Exhibit 2003, on the very first page on the
8 bottom right, that was not the document that you
9 referenced in your declaration; is that correct?

10 A. That's right. I referenced the
11 other version in my declaration.

12 Q. Okay.

13 A. But the language is offset by a few
14 paragraphs, I believe, in this version and the
15 version I reference.

16 Q. Okay. Do you recall during our
17 original questions referring to Paragraph 77 of
18 your declaration, which is Exhibit 2004, on
19 Page 49 of your declaration?

20 A. Page what?

21 Q. 49 of Exhibit 2004.

22 A. Okay. I'm on Page 49.

1 Q. Okay. This is Paragraph 77 at the
2 bottom of it.

3 A. Yes.

4 Q. Okay. That paragraph goes on to the
5 next page where there is an annotated figure and
6 then various citations.

7 Do you see that?

8 A. Yes.

9 Q. Okay. Do you recall that I asked
10 you what Duarte-992's Paragraph 60 had to do with
11 the rest of this paragraph?

12 A. Yes, that is why I gave a very high
13 level answer, saying that it was probably
14 referring to a touchscreen. That is all.

15 Q. Okay. Did you not recognize at that
16 point that we were looking at the wrong document?

17 A. Again, I was not sure what --
18 because I remember that the couple of Duarte
19 references in the exhibits. So, I was not sure
20 which Duarte you are referring to and why.

21 But, I was wondering. That is why I
22 gave a very high level answer with respect to

1 that Duarte. I said it must be referring to a
2 touchscreen, because I didn't see the 101 or 100
3 on that paragraph.

4 Q. Okay. We looked at various other
5 disclosures in what had been marked as
6 Exhibit 2003 in this proceeding in relation to
7 your declaration, and you gave answers with
8 respect to them at that time in relation to your
9 declaration.

10 Would you change those answers now
11 with respect to the different document?

12 A. I would say that the references that
13 the description in my declaration, the opinions
14 of the declaration, the basis of the declaration
15 are the same.

16 But, the general context of context
17 of Duarte in both of the documents is similar,
18 even though the paragraphs are offset from each
19 other.

20 So, I would not change my answer
21 significantly. I mean, to the extent that you
22 are asking me to compare the text, clearly there

1 was no such question.

2 But, the opinions in the declaration
3 are consistent with the disclosures of Duarte,
4 whether in Paragraph 60 or the correct paragraph,
5 44, in either of these references.

6 So, there is no changes needed in my
7 answers as long as we are referencing the
8 language I referred to in my declaration.

9 Q. Can you go to Paragraph 94 of your
10 declaration.

11 A. Okay. Yes.

12 Q. The first full sentence on Page 60.

13 A. Uh-huh.

14 Q. You refer to Duarte-992 disclosing a
15 drag-scroll operation.

16 Do you see that?

17 A. Yes.

18 Q. And you cite to Duarte-992 at
19 Paragraph 89?

20 A. Yes.

21 Q. Okay. That Paragraph 89 in the
22 Google Patent document that was provided today,

1 if you go to that, which I believe is on Page 7
2 of the PDF.

3 A. Yes, that is the paragraph I was
4 referring to.

5 Q. Okay. And this paragraph relates to
6 scroll; is that correct?

7 A. It shows that the drag and the
8 scroll and the flick are all the same --

9 Q. Okay.

10 A. -- as per Shiplacoff and Duarte.

11 Q. Okay. If you scroll up and look at
12 Paragraph 83, it says select/highlight.

13 Do you see that?

14 A. Yes.

15 Q. Okay. And in that paragraph in that
16 first sentence after the colon, it says, "The
17 user can perform a press and hold action on an
18 object 401C." Do you see that?

19 A. Yes.

20 Q. Okay.

21 A. You are reading from Paragraph 83.

22 Q. Yes. Of this new Duarte-992 Google

1 Patent document.

2 A. Yes.

3 Q. Okay. Is the press and hold action
4 described in Paragraph 83 different than the
5 drag-scroll operation in Paragraph 89 of this
6 document?

7 A. I don't have an opinion --

8 MR. ROBINSON: Objection to form.

9 THE WITNESS: I don't have an
10 opinion on that issue.

11 BY MR. HOLT:

12 Q. Did you, in rendering the opinions
13 in your declaration, consider the other
14 operations that are described in the Commands
15 Performed on Touch-Sensitive Screen 101 section?

16 A. I have reviewed the Duarte-992
17 reference, and I have reference to sections to
18 provide my opinion.

19 And, whatever opinions and basis I
20 disclosed in my declaration are what I am relying
21 upon.

22 Q. Okay. And so, in neither your

1 declaration nor today do you have an opinion on
2 the difference, for example, between the drag and
3 scroll operation described in Paragraph 89 and
4 the press and hold action of Paragraph 83?

5 MR. ROBINSON: Objection to form.

6 THE WITNESS: Paragraph 89, as I
7 discussed, discusses the flick and the drag
8 and all as being the same operation.

9 I don't have a specific comparison
10 with the operation you have just discussed in
11 Paragraph 83. I don't have a specific
12 comparison with that.

13 BY MR. HOLT:

14 Q. Okay. Did you consider in preparing
15 your declaration whether Duarte-992 describes how
16 to distinguish between different types of
17 gestures?

18 A. I discuss in my section -- I discuss
19 various opinions and the basis in my declaration.

20 And so I intend to rely on
21 everything that is disclosed in my declaration.

22 Q. To your knowledge sitting here

1 today, does that include a distinction between
2 different types of gestures?

3 A. I am -- you would have to point to
4 me a portion of my declaration. I don't show
5 that Duarte discusses the separation between the
6 gesture area and the on-screen area and others.
7 I have similar discussions in my report, in my
8 declaration. So, I rely on those.

9 Q. If you would turn down to
10 Paragraph 99, which is at the bottom of Page 64.

11 A. Okay.

12 Q. It says here that, "Shiplacoff not
13 only teaches away from using its flick input to
14 trigger switching from full-screen mode to a
15 different display mode, but instead discloses
16 that such a display change is triggered by a
17 gesture or command beginning in an off-screen
18 area."

19 A. Yes.

20 Q. Okay. How does Shiplacoff
21 distinguish between gestures that start in the
22 off-screen area as opposed to gestures that begin

1 on the screen 101?

2 A. I don't have an opinion on that
3 issue.

4 Q. Okay.

5 A. Other than what I cite in my
6 declaration.

7 Q. It doesn't appear that the
8 Duarte-992 Google document that was shared today
9 has a copy of all of the figures; is that
10 correct?

11 A. You are -- you may be right. It
12 doesn't have the figures that I cite.

13 Q. Okay.

14 A. I have another version of the Google
15 Patents' version that has all of the figures that
16 I used in my declaration.

17 Q. Okay.

18 A. But that is the PDF version. That
19 is the PDF version.

20 Q. Okay. To your knowledge are the
21 figures of whatever version of Duarte-992 that
22 you utilized, the same as the figures that are

1 shown on Pages 52 through 74 of Exhibit 2003?

2 A. Let me check. Yes. The figures are
3 substantially the same.

4 Q. Okay. Just to be clear, when you
5 say substantially, do you see any differences as
6 you sit here right now?

7 A. Do you want me to upload the version
8 that I used? Or, I mean again I'm not sure what
9 the process is.

10 But, the only difference is that in
11 my version, the Figure 1A of the version that was
12 in Exhibit 2003 Duarte that you uploaded, is
13 drawn by hand, along with 1B and 1C.

14 And then the version that has the
15 figures from the Google Patents' version has them
16 drawn in a more machine drafted way.

17 Q. Okay.

18 A. But, all of the remaining figures
19 starting in 1E, as in echo, appear to be the
20 same.

21 Q. Okay. Could you please refer to
22 Figure 7 in, let's say the Duarte-992 Google PDF

1 that you have?

2 A. Okay. Figure 7, yes. Uh-huh.

3 Q. Can you also refer to Figure 7 in
4 Exhibit 2003 that I had uploaded earlier?

5 A. Okay.

6 Q. Are those the same figure, best you
7 can tell?

8 A. They are -- they seem functionally
9 the same. The difference is that the handle
10 looks a bit different, and the bottom part of
11 Figure 7 in the exhibit that you uploaded is
12 dark. In other words, the generalist view has a
13 black background while the figure in the Google
14 Patent version has a white background and the
15 black text.

16 Q. Okay.

17 A. But, otherwise they are
18 substantially the same.

19 Q. Do you have any reason to believe
20 that those differences impact how a POSITA would
21 have understood either of those figures with
22 respect to the opinions that you rendered in your

1 declaration?

2 A. I don't think so, as long as we are
3 referencing the correct text in my declaration.

4 Q. Okay. Did you refer to any portions
5 of Duarte-992 that referenced this Figure 7 in
6 your declaration, to your knowledge?

7 A. As I said, I have not memorized my
8 declaration. I mean, I would just rely on what
9 is there.

10 Q. With respect to the Duarte-992
11 Google Patent PDF that was uploaded by
12 Mr. Robinson today, can you please go to
13 Paragraph 0092, which is on Page 7.

14 A. Okay.

15 Q. This paragraph refers now to
16 Figure 7 and indicates, "there is shown an
17 example of a flick gesture 402BB."

18 Do you see that?

19 A. You are reading from the description
20 there.

21 Q. Correct.

22 A. Yes, you are reading from the

1 description in Paragraph 92 of the Google
2 Patents' reference.

3 Q. Okay. This example that is shown in
4 Figure 7 is an example of the flick gesture
5 described with respect to Paragraph 89; is that
6 right?

7 A. I'm not sure what you are asking,
8 counsel.

9 Q. So, Paragraph 92, there is shown an
10 example of a flick gesture, 402BB?

11 A. Okay.

12 Q. Is that example of a flick gesture
13 an example of the same flick gesture from
14 Paragraph 89 of the same document?

15 A. I reference Paragraph 89 in my
16 declaration.

17 Q. Uh-huh.

18 A. I don't specifically comment about
19 Paragraph 92. So, I don't wish to guess at this
20 point. But, I would rather not introduce any new
21 opinions with respect to Paragraph 92, to the
22 extent it was not discussed in my declaration.

1 Q. Okay. To the extent that it wasn't
2 discussed or cited in your declaration, did you
3 render any opinions with respect to Paragraph 92
4 or with respect to Figure 7 that it references?

5 A. As I said, I reviewed Duarte and I
6 cited to portions of Duarte, and I provided
7 opinions and support from Duarte.

8 So, I would rely on what is in my
9 declaration --

10 Q. And --

11 A. -- and the basis. So, I don't wish
12 to add anything else to my declaration.

13 Q. Okay.

14 A. I believe my opinions are consistent
15 with the disclosures of Duarte, in the eyes of
16 one of a POSITA.

17 Q. Okay. That consistency includes
18 with respect to Paragraph 92?

19 A. As I have said, I have not memorized
20 the entire Duarte and I don't wish to offer an
21 opinion on the fly.

22 But, at the time of writing, I

1 believe I was consistent for the reasons that I
2 discuss in my declaration.

3 Q. Okay.

4 MR. HOLT: I don't think I have any
5 further questions.

6 MR. ROBINSON: I don't have anything
7 else.

8 THE WITNESS: I would like to review
9 the transcript and sign for correctness.

10 MR. HOLT: That is fine.

11 (Whereupon, signature not having been
12 waived, the deposition suspended at 3:05 p.m.)

13 * * *

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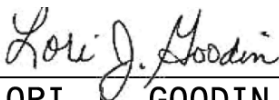
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22 My Commission expires: June 1, 2026

1 Vijay K. Madisetti, Ph.D., c/o
2 NORTON ROSE FULBRIGHT US, LLP
3 98 San Jacinto Boulevard, Suite 1100
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5

Case: Apple Inc. v. Smith Interface Technologies, LLC

6 Date of deposition: July 29, 2025

7 Deponent: Vijay K. Madisetti, Ph.D.

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