

In the Matter Of:

Apple, Inc. vs

Smith Interface

ANDREW COCKBURN, PH.D.

March 27, 2025



1 UNITED STATES PATENT AND TRADEMARK OFFICE

2

3

4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5

6 APPLE, INC.,

7 Petitioner

8 V.

9 SMITH INTERFACE

10 TECHNOLOGIES, LLC

11 Patent Owner

12

13 IPR2024-01088

14 Patent 10,757,758

15

16

17 ORAL DEPOSITION

18 OF

ANDREW COCKBURN, PH.D.

19 MARCH 27, 2025

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ORAL DEPOSITION OF ANDREW COCKBURN, PH.D.,
produced as a witness at the instance of the
Patent Owner and duly sworn, was taken in the
above-styled and numbered cause on
March 27, 2025, from 12:02 p.m. to 2:06 p.m.,
Central Daylight Time, before KATERI A.
FLOT-DAVIS, CSR, CRR, in and for the State of
Texas, reported by machine shorthand, Taken
Remotely Via Zoom, pursuant to the Federal
Rules of Civil Procedure and the provisions
stated on the record herein.

A P P E A R A N C E S

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1	INDEX	4
2		
3		PAGE
4		
5	Appearances.....	3
6		
7		
8	WITNESS: ANDREW COCKBURN, PH.D.	
9		
10	Examination by Mr. Leventhal.....	5
11		
12		
13		
14	Reporter's Certificate.....	71
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

P R O C E E D I N G S

THE COURT REPORTER: On the record
at 12:02 p.m.
(Witness sworn.)

ANDREW COCKBURN, PH.D.,
having been first duly sworn, testified as
follows:

EXAMINATION

BY MR. LEVENTHAL:

Q. Good morning, Dr. Cockburn.

MR. LEVENTHAL: Just for the
record, we have electronically provided you
Exhibits 1001, which is the '755 Patent;
1003, which is your declaration; 1004, which
is the Chaudhri reference; 1005, which is
the Martyn reference; and 1006, which is the
Griffin reference.

(Exhibit No. 1001 Previously
Marked.)

(Exhibit No. 1003 Previously
Marked.)

1 (Exhibit No. 1004 Previously
2 Marked.)

3 (Exhibit No. 1005 Previously
4 Marked.)

5 (Exhibit No. 1006 Previously
6 Marked.)

7 Q. (BY MR. LEVENTHAL) Do you have all
8 of those available to you, sir?

9 A. I have all five of those available
10 to me.

11 Thanks.

12 Q. And have you been able to address
13 the programs that are open on your computer,
14 so you now have just the viewer for those
15 files and the Zoom window open?

16 A. I have Zoom; Preview, which is the
17 application I'm using to view the documents;
18 and the Finder is active, but it's only
19 because I can't kill it. There are no window
20 shut.

21 Q. And can you please confirm that
22 you're not in electronic communication with
23 anyone else, other than anyone that's on the
24 Zoom chat.

25 A. Only people on Zoom.

1 Q. And there is no one in the room
2 with you currently?

3 A. Correct.

4 Q. If either of those two things
5 change, would you please let me know?

6 A. I will.

7 Q. Okay.

8 So, Dr. Cockburn, first thing,
9 turning to Exhibit 1003, which is your
10 declaration, are there any corrections that
11 you would like to make before we get started?

12 A. Yes. There's one typo and two
13 minor clarifications.

14 (Pause.)

15 Do you want me to give them to you?

16 Q. Sure. Please go ahead.

17 A. Okay.

18 At Paragraph 118, on the last line
19 of Page 97, there is a reference to square
20 bracket 2018 square bracket, and that should
21 be square bracket 0218 square bracket.

22 Should I carry on?

23 Q. I'm sorry. Let me look real quick.

24 So, 0218. Okay. Got you.

25 Yeah, please go on.

1 A. Paragraph 104. This is a
2 clarification. I just need to find it.

3 (Witness reviewing exhibit.)

4 All right.

5 On the fourth line, it says "a
6 nonmoving application icon."

7 That should be, instead of "a
8 nonmoving," it should be "another application
9 icon."

10 Q. Okay.

11 A. And on 136, Paragraph 136, it's
12 essentially the same clarification. On the --
13 one, two, three, four, five --
14 sixth-from-the-last line, "the nonmoving"
15 should be "the other."

16 Q. "The other nonmoving"?

17 A. No; "the other application icons."

18 Q. Gotcha.

19 Okay.

20 Now if you could, Dr. Cockburn,
21 turn to Page 37 of your -- actually, it's 38
22 of your declaration, Paragraph 39.

23 A. I'm there.

24 Thanks.

25 Q. So if you recall when we discussed

1 this in a related matter, you have a
2 definition -- well, let me -- in -- in
3 Paragraph 39 you describe your opinion as to a
4 definition of, "a person of ordinary skill in
5 the art," correct?

6 A. Yes.

7 Q. And we discussed, for a related
8 party in the related proceeding on the
9 '212 Patent, that there was -- there was a
10 clause in that case that began with a comma at
11 the end of the last sentence, that said, "and
12 additional years of experience," and went on.

13 We discussed in that case that that
14 was superfluous and made more sense if we
15 simply x'ed that out.

16 Would you agree that the same is
17 true here, that the definition you've given in
18 Paragraph 39 makes more sense if we delete the
19 end of the last sentence, which is, "and
20 additional years of experience could
21 substitute for the advanced level degree"?

22 A. I think that's fair. We could
23 terminate the sentence at that final comma.

24 Q. Okay.

25 The next paragraph I would like to

1 flip you to is Paragraph 63, which begins at
2 the very bottom of Page 59.

3 A. Okay. Thanks.

4 Q. And if you could just go ahead and
5 read Paragraph 63 to yourself, and I have a
6 few questions.

7 A. (Witness reviewing exhibit.)

8 Yes, I've read it.

9 Q. So the context of where we are in
10 your declaration is you're discussing why a
11 POSITA would be motivated to integrate
12 portions of Martyn's teachings into other
13 disclosures within the Chaudhri reference.

14 Is that fair?

15 A. It's within the section that
16 describes the reasons to combine Martyn with
17 Chaudhri.

18 Q. And in Paragraph 63 -- and this is
19 primarily in the sentence that spans {ages 59
20 and 60 -- you identify two categories of
21 teachings of Martyn that -- that are to be
22 integrated into Chaudhri.

23 The first is "providing a
24 contextual shortcut submenu in the form of a
25 summary window," and the second is "doing so

1 in response to a press-and-hold user input."

2 Is that fair?

3 A. At the end of Paragraph 63, I
4 state: The following independent reasons
5 support the Chaudhri-Martyn combination," and
6 then I provide those two independent
7 reasons -- or two -- two reasons.

8 Q. I think we may be talking past each
9 other a little bit.

10 I think you have four reasons, and
11 we're going to go into them.

12 But before we got to the reasons,
13 what I want to clarify is that we're on the
14 same page as to what teachings you are taking
15 from Martyn and putting into Chaudhri.

16 And so let me -- I asked a compound
17 question. Let me ask it one by one.

18 A first teaching that you are
19 stating a POSITA would be motivated to take
20 from Martyn is "providing a contextual
21 shortcut submenu in the form of a summary
22 window of common application functions."

23 Correct?

24 A. Yes.

25 Paragraph 64 describes providing a

1 submenu of selectable options corresponding to
2 commonly used applications; and a person of
3 skill in the art would be motivated to
4 incorporate that into Chaudhri.

5 Q. And the second -- and now, sir, I'm
6 going to be reading from the top two lines on
7 Paragraph 60 (sic) when I ask you this
8 question.

9 The second teaching from Martyn
10 that you are opining a POSITA would be
11 motivated to add into Chaudhri is that
12 providing the contextual shortcut submenu is
13 "...in response to a press-and-hold user
14 input."

15 Correct?

16 A. I think I disagree with these --
17 with the characterization that these are
18 independent and separate features that I'm
19 describing the incorporation of.

20 What I'm describing is the
21 rationale to a person of skill in the art for
22 why they would incorporate the teachings of
23 Martyn into Chaudhri, and that includes a -- a
24 shortcut, a Snapshot summary context menu, and
25 it also includes doing so on a press-and-hold

1 or long press gesture.

2 Q. That's fair.

3 It was that last part I wanted to
4 make sure we agreed on, and that -- that's
5 fine.

6 Just to make sure we're on the same
7 page, the -- I'm just going to read your
8 answer back to make sure we're on the same
9 page.

10 So it is your opinion that a POSITA
11 would be motivated to incorporate teachings of
12 Martyn into Chaudhri that include the Snapshot
13 summary context menu, and also include doing
14 so on a press-and-hold or long press gesture.

15 A. I agree with my testimony.

16 Q. And then, as you pointed out,
17 Paragraph 63 concludes by you transitioning
18 and stating now you're going to describe
19 several independent reasons for why a POSITA
20 would be motivated to do so, correct?

21 A. That's correct.

22 Q. Okay.

23 And you will need to flip a couple
24 pages, but basically you lay out four reasons
25 across Paragraphs 64 through 69, correct?

1 A. That's where I present the reasons
2 to combine. I revisit them later in my
3 declaration, also.

4 Q. So in Paragraphs 64 through 65, you
5 describe a first reason, correct?

6 A. Yes.

7 Q. Okay.

8 And that first reason is because a
9 submenu of selectable options was ubiquitous
10 in computer graphical user interfaces by 2011,
11 correct?

12 A. The reason includes the fact that
13 those -- that form of contextual menu was
14 ubiquitous at the time.

15 It is also directly disclosed by
16 Martyn, and contextual menus are referred to
17 by Chaudhri.

18 Q. Those are your other reasons. I'm
19 just going through them one by one.

20 A. Sure.

21 Q. Yeah.

22 Okay?

23 What I want to make sure we're on
24 the same page on is that Paragraphs 64 and 65
25 do not address calling -- calling up a submenu

1 of selectable options in response to a
2 particular user input.

3 Correct?

4 A. I think that's not quite correct
5 because I -- in that section I refer back to
6 section -- the section of my background,
7 including the section on menus in graphical --
8 graphical users interfaces, and that section
9 refers to calling up menus in response to a
10 long press.

11 Q. There's nothing in Paragraphs
12 64 and 65 that mention "long press" or
13 "press-and-hold," correct?

14 A. The fourth line of Page 61 reads:
15 "As I explained above at Section V1.B.2, GUI
16 menus date back to at least the 1970s." And
17 that Section V1.B.2 describes calling up
18 context menus in response to a long press.

19 Q. Okay.

20 The second reason is Paragraphs 66
21 and 67, correct?

22 A. Correct.

23 Q. And so the second reason -- and,
24 again, I'm just now quoting from the
25 introduction in Paragraph 66.

1 The second reason is that
2 "...applying Martyn's teaching of contextual
3 submenus would predictably improve Chaudhri's
4 user interface for 'a menu of applications'
5 from a usability standpoint."

6 Correct?

7 A. That's more or less what the first
8 sentence says of Paragraph 66.

9 Q. And so the usability you're
10 discussing -- discussing here is contextual
11 submenus, the advantage of those, not calling
12 up the contextual submenu used in response to
13 any particular user input, correct?

14 A. I would disagree with that
15 characterization.

16 A person of skill in the art would
17 understand that a user interface for a menu of
18 applications includes the mechanisms that are
19 used to post and access that menu.

20 Q. You do not -- excuse me.

21 Paragraphs 66 and 67 do not address
22 any particular user input to cause the submenu
23 to appear, correct?

24 A. A person of skill in the art
25 understands that usability addresses issues

1 including the accessibility of particular
2 functions.

3 There are quotes in Paragraph 67
4 that refer to such accessibility, and that
5 includes mechanisms that are used to access
6 the functionality of a user interface.

7 Q. But Paragraphs 66 and 67 themselves
8 do not identify any particular mechanism for
9 accessing the submenu, correct?

10 A. There is no direct mention of the
11 mechanism that is used to access the menu in
12 those paragraphs, but it does include the
13 statement: "Specifically, it would have been
14 apparent to the POSITA that providing a
15 submenu of options for invoking common
16 application functions, as Martyn teaches,
17 would allow the user to accomplish recurring
18 tasks more quickly and efficiently."

19 Now, accessing that menu includes
20 the mechanisms that are used to access that
21 menu.

22 Q. And no particular mechanism is
23 listed or identified in Paragraphs 66 and 67,
24 correct?

25 A. This follows on from the first

1 reason that we just visited, and I think that
2 broadly includes contemplation of the
3 mechanisms used to access the menu.

4 Q. Okay.

5 The third reason is one paragraph,
6 Paragraph 68, correct?

7 A. Can I just add to my previous
8 response first --

9 (Simultaneous speaking.)

10 Q. Okay.

11 A. -- that in the preface to this
12 explanation in Paragraph 63, there is a
13 footnote clarifying the touch-and-hold
14 gesture. The touch-and-hold gesture is
15 explicitly had mentioned in Paragraph 63, and
16 it is -- there is a footnote there that
17 further explains the relationship between
18 touch-and-hold gestures and press-and-hold
19 gestures.

20 I apologize for adding something to
21 your earlier question.

22 Q. No, no problem. I appreciate you
23 explaining that.

24 I think I was going to address that
25 somewhere in the later questions, but I've

1 highlighted it to make sure we come back to
2 it, if I don't.

3 So let me -- I appreciate that
4 clarification.

5 Let me reask the question that was
6 pending, which I think was as simple as: The
7 third reason is Paragraph 68, correct?

8 A. Correct.

9 Q. And in the third reason you are
10 specifically pointing to texts that Martyn
11 includes describing advantages, correct?

12 A. The third reason presented in
13 Paragraph 68 includes mention of extracts from
14 Martyn.

15 It also refers to the similarities
16 between Chaudhri-and-Martyn's disclosures from
17 the perspective of a person of skill in the
18 art.

19 Q. Okay.

20 I'm going to come back to that
21 second part, but thank you for explaining
22 that.

23 The -- so in terms of -- and,
24 again, Dr. Cockburn, you have with you,
25 available, Exhibit 1005, Martyn; so if you

1 need to flip back and forth between them,
2 please feel free to.

3 In Paragraph 68, the advantage --
4 the -- Martyn's description of the advantage
5 that you identify is the advantage of the App
6 Snapshot contextual submenu, not any
7 particular method, user interface method, of
8 calling up that App Snapshot contextual
9 submenu, correct?

10 A. I disagree that a person of skill
11 in the art would read the disclosures of
12 Martyn so narrowly as to only consider the
13 functionality that is yielded by the App
14 Snapshot itself.

15 Paragraph 15, for instance, of
16 Martyn makes clear that a function of -- or a
17 purpose of the App Snapshot is to ease
18 navigation and reduce the number of steps.

19 And, therefore, a person of skill
20 in the art would need to consider the
21 mechanisms that are used in order to present
22 the App Snapshot, or Martyn's contextual menu.

23 Q. Paragraph 68 does not mention
24 "press-and-hold" or "touch-and-hold," correct?

25 A. The preface to this set of reasons

1 for a person of skill in the art to combine
2 Chaudhri and Martyn includes mention of the
3 press-and-hold.

4 So I would describe Paragraph 68 as
5 being included within the context of that
6 preface.

7 Q. You do not, in Paragraph 68 of your
8 declaration, identify any passage in Martyn
9 that describes an advantage of using a
10 press-and-hold user input to call up a context
11 menu as more advantageous to using any other
12 available method for doing so, correct?

13 A. The second-to-last line on Page 63
14 quotes from Martyn that its methods "yields
15 many advantages in ease and speed of
16 navigation."

17 A person of skill in the art,
18 understanding Martyn's intentions, would
19 absolutely understand that the mechanisms used
20 to access that menu would also need to be easy
21 and speedy; otherwise, its objectives would
22 not be met.

23 Q. If you could go ahead and turn to
24 Martyn.

25 And go to Paragraph 17 for me,

1 please.

2 A. I'm there. Thanks.

3 Q. Paragraph 17 describes multiple
4 user input methods for -- for calling up the
5 App Snapshot, correct?

6 A. One of the methods that Martyn
7 discloses is a press-and-hold of the select
8 function. Other methods are mentioned.

9 Q. And, I apologize, I directed you
10 specifically to Paragraph 17.

11 If you look at Paragraph 16, if you
12 would read that to yourself, as well. And I
13 have a question for you on it.

14 A. Sure.

15 I've read it.

16 Q. And the final sentence of
17 Paragraph 16 states: "At this point, the user
18 may take conventional navigation steps, such
19 as scrolling, to move the highlight and using
20 the available select function to navigate to
21 the required highlighted application."

22 Did I read that correctly?

23 A. You did.

24 Q. Okay.

25 And so the first method that

1 Paragraph 16 and 17, in combination, disclose
2 for accessing the App Snapshot is that the
3 user would take conventional navigation steps
4 to move the highlight to an application, and
5 then: "...should the highlight rest on the
6 name of an application in the App Launcher for
7 a certain amount of time" -- open paren --
8 "(say a 1.2 second timeout)" -- close paren --
9 "the summary window" -- open paren -- "(the
10 'App Snapshot')" -- close paren -- "drops down
11 from the highlight" -- menu (sic).

12 Correct?

13 A. Can you repeat the question,
14 please?

15 Q. Sure.

16 So the first method that Martyn
17 discloses to call up the App Snapshot is to
18 take conventional navigation methods to scroll
19 a highlight to a app -- to a particular
20 application, and then pause for 1.2 seconds,
21 at which point it would be displayed.

22 Correct?

23 A. The first sentence of Paragraph 17
24 reads: "The innovative summary window
25 functionality can be accessed as follows:

1 should the highlight rest on the name of an
2 application in the App Launcher for a certain
3 amount of time (say a 1.2 second timeout), the
4 summary window (the 'App Snapshot') drops down
5 from the highlight bar."

6 Q. And so the first method that Martyn
7 discloses is conventional scrolling to move
8 the highlight; and then the highlight rests on
9 an application for a certain amount of time,
10 at which point, in response to that period of
11 time passing -- the highlight resting --
12 Martyn discloses displaying the App Snapshot,
13 correct?

14 A. That is one way that Martyn
15 describes displaying the App Snapshot.

16 It also describes displaying the
17 App Snapshot in response to a press-and-hold
18 of the select function, when an application
19 name is highlighted.

20 Q. And the text you're referring to,
21 which I promise you I will get to, is
22 chronologically lower in -- it -- it appears
23 later in Paragraph 17, correct?

24 A. It appears in the final sentence of
25 Paragraph 17, which provides examples of how

1 the App Snapshot may be called or fired.

2 Q. And that is -- that is among a
3 multi-item list -- I'm going to go through
4 each one -- labeled "Other selection processes
5 that could be used to call the App Snapshot,"
6 correct?

7 A. There are two sentences at the end
8 of the paragraph.

9 The first sentence reads: "Other
10 selection processes could be used," and
11 provides a list of examples, e.g., voice
12 activation, softkey selection, et cetera.

13 And the final sentence then goes on
14 to provide examples of the ways in which the
15 App Snapshot could be called or fired.

16 Q. So the first method that Martyn
17 discloses -- and it does so through
18 Paragraph 16 and the first sentence of
19 Paragraph 17 -- is for the user to take
20 conventional navigation steps such as
21 scrolling to move the highlight to an
22 application, and allow that highlight to rest
23 on the name of the application for a certain
24 amount of time, correct?

25 A. I think that terminating sentence

1 of Paragraph 16 is stating that conventional
2 navigation steps may be used to launch the App
3 Snapshot, and it exemplifies conventional
4 navigation steps using scrolling.

5 That's why it says "such as
6 scrolling."

7 Q. Okay.

8 But the words in the first sentence
9 of Paragraph 17, "should the highlight rest on
10 the name of an application," connotes to a
11 person of ordinary skill that -- that the
12 highlight -- that there had been navigation
13 using conventional methods to move that
14 highlight first, right?

15 A. Your question referred to moving
16 the highlight. That certainly would be
17 possible and contemplated by Martyn.

18 I don't think Martyn's disclosure
19 there would be limited to moving the highlight
20 to that particular location from some other
21 prior location. It could be the first
22 location at which the highlight is placed.

23 Q. So -- okay.

24 That's fair enough.

25 So that -- so the first sentence of

1 Paragraph 17, the app launcher -- or excuse
2 me -- the App Snapshot could occur for two
3 reasons.

4 One, because no attempt to navigate
5 occurs, a timeout triggers such that the
6 highlight is at the default place.

7 And the alternative would be there
8 is some navigation and moving of the highlight
9 followed by a pause that causes the timeout to
10 trigger.

11 Is that fair?

12 A. No. I think I would disagree with
13 that characterization.

14 Q. Okay.

15 What did I -- what did I get wrong?

16 A. It was a compound scenario that
17 included, I think, mention of a default
18 location and a timeout occurring.

19 I disagree that that is necessarily
20 disclosed by Martyn. It excludes other
21 possibilities, such as the highlight being
22 placed on an icon by a finger, for example,
23 touching the touch screen.

24 Q. So what you're saying is -- well,
25 let me just pause there for a second and then

1 get to that.

2 Martyn does not disclose --
3 describe any touch screen inputs explicitly,
4 correct?

5 A. Martyn is substantially agnostic
6 regarding the input mechanisms, as is clear
7 from Paragraphs 16 and 17, which refer to a
8 variety of techniques that could be used to
9 activate the App Snapshot.

10 Q. Martyn does not describe any touch
11 screen input explicitly, correct?

12 A. Martyn is substantially agnostic
13 regarding the input techniques that are used.

14 Q. Dr. Cockburn, I asked you that
15 exact question on Tuesday.

16 "[Question:] Martyn doesn't
17 describe any touch screen inputs explicitly,
18 correct?"

19 And you stated:

20 "[Answer:] There is no explicit
21 mention of 'touch screen.'"

22 Do you stand by that testimony,
23 sir?

24 A. I stand by the fact that there is
25 no explicit mention of touchscreens in Martyn.

1 Q. Okay.

2 So now let's go through the ones at
3 the bottom of Paragraph 17 that you were
4 getting to. I want to go through those one by
5 one.

6 A. If I may, just -- can I just modify
7 my previous answer?

8 Because I think it -- a more
9 accurate representation of my previous
10 testimony, if I can recall correctly, was
11 that: Martyn does not include an explicit
12 mention of "touchscreens," but it does refer
13 to mobile devices and PDAs that a person of
14 skill in the art at the time understood to
15 include touchscreens.

16 Q. Yes, sir.

17 And I did not -- that is your
18 complete answer, and I did not mean to suggest
19 otherwise.

20 Let me -- let me see if I can do it
21 this way.

22 In the preceding that you were
23 deposed in previously related to the
24 '212 Patent, and in the proceeding today
25 related to the '758 Patent, you address the

1 same prior art reference, Martyn, which is
2 Exhibit 1005, in both proceedings, correct?

3 A. I don't know what number Martyn was
4 in the previous proceeding, but it was
5 certainly in the previous proceeding.

6 Q. And testimony you give in either
7 proceeding as to the disclosure of Martyn, you
8 would stand by that testimony regarding the
9 disclosure of Martyn as equally applicable in
10 the other proceeding, correct?

11 A. The combination that I'm addressing
12 in each of these proceedings is slightly
13 different.

14 In the previous proceeding it was
15 Otelling (phonetics), if I recall correctly,
16 in Martyn, and here it is Chaudhri and Martyn.

17 So the rationale for the
18 combination will vary slightly, but
19 substantially the analysis is -- is the same.

20 Q. And that is fair, sir. And I
21 didn't even want you -- I would agree the
22 analysis is different.

23 And I just -- that's why I tried to
24 limit it to testimony regarding the disclosure
25 of Martyn. So let me see if I can ask that

1 very precisely and narrowly.

2 Testimony you give in either the
3 '212 or '78 (sic) proceeding as to the
4 disclosure of Martyn, you would stand by that
5 testimony as equally applicable in the other
6 proceeding, correct?

7 MR. DARBY: Objection to form.

8 THE WITNESS: The question refers
9 to equally applicable.

10 Because the two references that I'm
11 combining Martyn with are different, there
12 will be differences in the analyses. It
13 seems to be a broad question, and I'm
14 hesitant about confirming that I'm treating
15 Martyn in precisely the same way across the
16 two combinations.

17 MR. LEVENTHAL: Absolutely fair.

18 Q. (BY MR. LEVENTHAL) Let me -- I'm
19 trying to ask it narrowly, but it's not that
20 big a deal.

21 I know you're not trying to run
22 away from that testimony. So I don't want you
23 to agree with something that I haven't worded
24 perfectly.

25 So one difference in the '212

1 proceeding and the '718 (sic) proceeding is
2 that in the '718 (sic) use of Martyn you are
3 pointing to Martyn's disclosure of a
4 press-and-hold of the select function as part
5 of the combination, whereas in the '212
6 proceeding you are relying on Otelling, not
7 Martyn, as describing the method of calling up
8 the App Snapshot, correct?

9 MR. DARBY: Objection to form and
10 lack of foundation.

11 THE WITNESS: There were -- there
12 was at least one error in the question. I
13 think you referred to the '718 proceeding.

14 This is the '758 proceeding, I -- I
15 think.

16 MR. LEVENTHAL: You are absolutely
17 right, sir. And I appreciate you charitably
18 saying I only had one error.

19 But let me try again.

20 Q. (BY MR. LEVENTHAL) In the current
21 '758 proceeding, the deposition we are here to
22 today, your combination takes the disclosure
23 of using a press-and-hold of the select
24 function to call up the App Snapshot as part
25 of what you are including in your combination,

1 correct?

2 MR. DARBY: Objection to form.

3 THE WITNESS: I am relying on
4 Martyn's disclosures of a press-and-hold
5 action in order to select the App Snapshot.

6 MR. LEVENTHAL: Okay.

7 Q. (BY MR. LEVENTHAL) Let's get back
8 to just getting through Paragraph 17.

9 So if I could direct you to the
10 sentence -- the second-to-last sentence that
11 begins, "Other selection processes," the first
12 other selection process that Martyn discloses
13 is launching the App Snapshot using voice
14 activation.

15 Fair?

16 A. This sentence of Martyn is
17 providing examples of ways in which the
18 selection process could be accomplished.

19 The first of the list of examples
20 is voice activation.

21 Q. And so that, for example, would
22 substitute from a highlight resting timeout.
23 The user could first navigate a highlight and
24 then perform voice activation to call up the
25 App Snapshot.

1 Correct?

2 A. I think a person of skill in the
3 art, reading that particular example of the
4 selection process, would understand there
5 would be more than one way to complete voice
6 activation of the Snapshot.

7 Q. Can you list some examples that a
8 person of ordinary skill in the art would
9 understand?

10 A. For example, it could be -- it
11 could be a two-part process, where the user
12 first says, "Messages. Launch."

13 On saying "Messages," that would
14 move a highlight to the particular item. And
15 then "Launch" could launch the item.

16 Alternatively, a person of skill in
17 the art could understand that it could be a
18 one-part process, where the user states,
19 "Launch messages," for example.

20 Q. That is very helpful.

21 When you said "Launch," were you
22 referring to launch the App Snapshot or launch
23 the app?

24 A. Good -- good point. I was making
25 this example up as I -- as I go.

1 I think you've correctly identified
2 the distinction. "Launch messages" would
3 launch the Messages app.

4 "Show Snapshot" would be another
5 way to do it.

6 So in a two-part process,
7 "Messages. Show Snapshot," and in a one-part
8 process, "Show messages Snapshot," for
9 example.

10 So a person of skill in the art
11 might contemplate how voice activation of
12 these functions would be accomplished.

13 Q. The next thing in the "e.g." list
14 in that sentence is, "softkey selection."

15 What methods of calling up the App
16 Snapshot does the reference to "softkey
17 selection" in Martyn suggest to a person of
18 skill?

19 A. Again, a person of skill --
20 ordinary skill would think about this
21 potential combination for more than a moment,
22 as I am now being asked to do.

23 But, for instance, in some context,
24 a softkey is a physical key that is not shown
25 on the display, but corresponds to items that

1 are shown on the display.

2 One way to launch an App Snapshot
3 with a softkey would be to press a physical
4 button associated with the displayed
5 functionality of, in one case, launching the
6 app, in another case, showing "show Snapshot."

7 Q. Okay.

8 So that is -- so then there's an
9 "et cetera." So we're done with that first
10 sentence.

11 And now, as you pointed out, the
12 next sentence begins with, "For example..."

13 And then it appears to me that the
14 first -- the -- the first part of that -- the
15 first example is, "...the App Snapshot may be
16 'called' or 'fired' using a right scroll
17 function (if the mobile telephone has four-way
18 scrolling capacity)..."

19 A preliminary question: What's --
20 what is four-way scrolling capacity?

21 A. Vertical and horizontal scrolling.

22 Q. And so given the context here, this
23 is likely a set of physical buttons or some
24 sort of physical control that can
25 differentiate between indications from the

1 user if physical press is up, down, left,
2 right?

3 A. To a person of skill in the art,
4 seeing "four-way scrolling capacity," I think
5 they would understand that that includes the
6 functionality available through something
7 that's often called a D-pad or a four-way
8 rocker switch.

9 But it would also include vertical
10 and horizontal scrolling on a touch screen,
11 such as that that was commonly known on PDAs
12 and mobile devices at the time.

13 Q. And then -- so the next sentence is
14 the one that we've now gotten to the example
15 that you are focused on in your combination,
16 which is "a press-and-hold of the select
17 function when an application name is
18 highlighted..."

19 Correct?

20 A. Yes.

21 Q. We have now caught up in my outline
22 to where you were 20 minutes ago,
23 Dr. Cockburn.

24 So if you could go back to that
25 Footnote 3 that you pointed me to on Page 60

1 of your declaration.

2 A. I'm there. Thanks.

3 Q. In that, you mention that -- the
4 second sentence states: "Additionally, a
5 touch-and-hold gesture on a screen is
6 analogous to a press and hold of a physical
7 button."

8 Correct?

9 A. As the full footnote says,
10 "...touch-and-hold gestures were very well
11 known in 2011."

12 Q. And the reference that you have to
13 "a press and hold of a physical button," your
14 reference in Footnote 3 is referencing
15 Martyn's disclosure of a press-and-hold of the
16 select function; is that correct?

17 A. As I said earlier, Martyn is
18 substantially agnostic regarding input
19 devices.

20 Its input devices would include
21 physical switches and buttons, and a
22 press-and-hold gesture on a physical button
23 when deployed on a touch screen, as was common
24 on PDAs and mobile devices at the time. The
25 analogous interaction for a virtual button to

1 a press-and-hold action is a touch-and-hold
2 gesture.

3 Q. The disclosure in Martyn says: "A
4 press and hold of the select function when an
5 application name is highlighted."

6 And so the press and hold occurs
7 after the application name has been
8 highlighted, correct?

9 A. It says, "when an application name
10 is highlighted," and that includes the
11 highlighting, resting on the item at the
12 beginning of the press-and-hold action.

13 Q. Okay.

14 So the final example is: "using a
15 right cursor key on a highlighted application
16 name."

17 Correct?

18 A. I see that. Yes.

19 Q. What -- can you please describe
20 what that disclosure is describing to a person
21 of ordinary skill in the art.

22 A. One example of a right cursor key
23 would be the right button on a rocker switch
24 or D-pad input device that --

25 (Simultaneous speaking.)

1 Q. Uhm --

2 A. -- I referred to earlier.

3 Q. I apologize. I cut you off.

4 And this one says, "on a
5 highlighted application name."

6 So, like the select function,
7 there's a previous activity that has occurred,
8 either allowing the highlight to remain on the
9 original place or navigating the highlight to
10 the desired application.

11 Correct?

12 A. Can you repeat the question,
13 please?

14 Q. Sure.

15 So I'll just -- let me state my
16 premise and then I'll state my question.

17 The word is not just "a right
18 cursor key," it's "a right cursor key on a
19 highlighted application name."

20 So that's my premise, not a
21 question.

22 My question is: Because of the
23 presence of the words "on a highlighted
24 application name," like a press-and-hold of a
25 select function, the reference to a "right

1 cursor key" is done in conjunction with the
2 user either being satisfied with the default
3 highlighting of a particular application or
4 having navigated the highlight to the desired
5 application and then doing the right cursor
6 key.

7 Correct?

8 A. I think that was a compound
9 question that embedded the press-and-hold
10 select function into the question, if I heard
11 it correctly.

12 Could I have a shorter version of
13 the question, please?

14 Q. Absolutely.

15 I mentioned press-and-hold because
16 I was trying to repeat your testimony from
17 that and not go away from it. But I will ask
18 it cleanly without mentioning it.

19 So, because of the presence of the
20 words, "on a highlighted application name,"
21 the reference to a "right cursor key" refers
22 to a user first either being satisfied with
23 the default highlighting of a particular
24 application, or navigating the highlight to
25 the desired application and then performing

1 the right cursor key input, correct?

2 A. I think a person of skill in the
3 art reading this clause, the final example,
4 presented by Martyn, would understand that one
5 way to satisfy this condition would be to
6 first move the highlight to a particular
7 application name and then use a right cursor
8 key, such as the key on the -- the "right" key
9 on a D-pad or rocker switch.

10 Q. Now, we've made it to the end of
11 Paragraph 17, so I want to go back to
12 Paragraph 68 of your declaration, if we could,
13 please.

14 A. I'm there. Thanks.

15 Q. You do not identify in Paragraph 68
16 any passage in Martyn that describes an
17 advantage of using any of the disclosed user
18 input methods for calling up the App Snapshot
19 over any of the other disclosed or
20 non-disclosed methods for calling it up,
21 correct?

22 A. I disagree with that
23 characterization.

24 I refer on the second-to-the-last
25 line of Page 63, to, "...many advantages in

1 "ease and speed of navigation"; and that
2 includes the disclosures of Martyn.

3 Q. What -- which -- okay.

4 So what you're saying is what
5 you've pointed to, "...yields many advantages
6 in ease and speed of navigation."

7 Anything else that you're pointing
8 to in Martyn that you contend describes an
9 advantage of one user input method over
10 another?

11 A. Well, the -- the purpose of Martyn
12 is to provide the improved ease and speed of
13 navigation through its entire disclosures, and
14 that includes the mechanisms that are used to
15 access the App Snapshot and the functionality
16 that is then provided to the user by the App
17 Snapshot.

18 Q. You're not contending that Martyn
19 discloses that the "press-and-hold of the
20 selected function when an application name is
21 highlighted user input method" is superior or
22 preferred to any of the other exemplary user
23 input methods that it discloses, are you?

24 A. A person of skill in the art would
25 understand -- certainly understand that there

1 are certain benefits and disadvantages
2 associated with alternative means for
3 presenting the App Snapshot as disclosed by
4 Martyn.

5 MR. LEVENTHAL: I'll move on to the
6 fourth reason, but we've been going about an
7 hour so this may be a good time to take a
8 break.

9 THE WITNESS: Sure.

10 THE COURT REPORTER: We are off the
11 record.

12 (Brief Recess Taken.)

13 THE COURT REPORTER: Back on the
14 record.

15 Q. (BY MR. LEVENTHAL) Dr. Cockburn,
16 if we can, in your declaration, now go to the
17 fourth reason, which is on Page 64,
18 Paragraph 69.

19 A. I'm there. Thanks.

20 Q. The fourth reason is just
21 Paragraph 69. It doesn't span a range of
22 multiple paragraphs.

23 Correct?

24 A. Paragraph 69 is a single paragraph.
25 I mean, it needs to be read in context with

1 the background and other material that
2 precedes it.

3 Q. Yeah. Right.

4 Paragraph 70 changes subjects.

5 It's not a continuation of Paragraph 69.

6 Is that fair?

7 A. That's fair.

8 Q. Okay.

9 And this fourth reason that a
10 POSITA would have been prompted to pursue a
11 combination with the parts of Martyn that
12 we've discussed is -- you've described it as
13 "...based on Chaudhri's suggestions to do so."

14 Correct?

15 A. I see that. Yeah.

16 Q. For this next one, Dr. Cockburn,
17 you may want to turn to Page 127 of Chaudhri,
18 which has Paragraph 274 on it, which is what
19 is cited in the next sentence.

20 A. Paragraph 274 you said?

21 Q. Yes, sir.

22 A. I'm there.

23 Q. Okay.

24 Why don't you read, if you could,
25 please, 273 and 274 to yourself, and then I'll

1 ask questions.

2 A. (Witness reviewing exhibit.)

3 Okay.

4 Q. Okay.

5 So the second sentence of

6 Paragraph 69 of your declaration states: "For
7 example, Chaudhri teaches the notion of
8 displaying a contextual 'pop-up dialogue'
9 submenu that 'provides the user with options
10 for modifying the selectable user interface
11 object.'"

12 Correct?

13 A. Yes.

14 Q. So when you are referring to the
15 "contextual pop-up dialogue" in citing to
16 Paragraph 274, are you referring to "pop-up
17 dialogue 5198" that is displayed in
18 Figure 5LLL and described in Paragraph 274?

19 A. Paragraph 274 refers to an example
20 as shown in Figure 5LLL. Figure 5 displays a
21 pop-up dialogue 5198; so, yes.

22 Q. And what you're saying in
23 Paragraph 69 is that a POSITA would understand
24 that pop-up dialogue 5198 in Chaudhri is -- is
25 akin to the -- is also a contextual submenu

1 and, therefore, akin to Martyn's App Snapshot;
2 is that correct?

3 MR. DARBY: Objection to form.

4 THE WITNESS: The example in
5 Chaudhri shows a pop-up dialogue that
6 provides the user with options for modifying
7 the selectable user interface object.

8 Chaudhri also refers, at
9 Paragraph 317, to a contextual menu. And
10 given a person-of-skill-in-the-art's
11 understanding of the extremely common nature
12 of contextual menus, a person of skill in
13 the art would be compelled to seek other
14 disclosures associated with the presentation
15 of contextual menus, such as that provided
16 by Martyn.

17 Q. (BY MR. LEVENTHAL) So, in your
18 opinion, both Martyn's App Snapshot and
19 Chaudhri's pop-up dialogue 5198 are contextual
20 menus, correct?

21 A. 5198 discloses a pop-up dialogue
22 that provides the user with options for
23 modifying the selectable user interface
24 object. That's how it's described.

25 A contextual menu provides options

1 associated with a selectable user interface
2 object. Contextual menus were very
3 well-known.

4 Chaudhri directly discloses the use
5 of contextual menus. So a person of skill in
6 the art would be motivated to seek other
7 disclosures, such as that provided by Martyn,
8 on contextual menus.

9 Q. I want to focus -- I'm going to get
10 to Paragraph 317 in a second, but I want to
11 focus on Paragraph 274.

12 In Line 3 of Paragraph 69 of your
13 declaration you reference "...a contextual" --
14 open quote -- "'pop-up dialogue'" -- close
15 quote -- "submenu..."

16 Correct?

17 A. Yes.

18 Q. And the pop-up dialogue in
19 Paragraph 274 is pop-up dialogue 5198,
20 correct?

21 A. Pop-up dialogue 5198 is shown in
22 Figure 5LLL, and that is the disclosure that
23 I'm -- one of the disclosures that I'm
24 pointing to in the second sentence of
25 Paragraph 69.

1 Q. And in Paragraph 69 you are

2 characterizing "pop-up dialogue 51998" as a

3 contextual submenu, correct?

4 A. A person of skill in the art would

5 understand that Item 5198 in Figure 5LLL is

6 carrying context from the object on which it

7 was selected.

8 The title in 5198 is: "Would you

9 like to delete Doc 12 or remove Doc 12 from

10 the work documents folder?"

11 So there is a context that is being

12 presented to the user by the dialogue -- by

13 the pop-up dialogue 5198.

14 Q. In Paragraph 69 you are

15 characterizing "pop-up dialogue 5198" as a

16 contextual submenu, correct?

17 A. The pop-up dialogue in Figure 5LLL,

18 disclosed by Item 5198, carries context and it

19 is therefore perfectly reasonable to refer to

20 it as a contextual pop-up dialogue.

21 Q. In a contextual submenu, correct?

22 A. A contextual pop-up dialogue

23 submenu.

24 Q. And you've also characterized the

25 App Snapshot in Martyn as a contextual

1 submenu, correct?

2 A. I believe I do so. I've certainly
3 referred to it as a contextual menu. I
4 believe I also referred to it as a contextual
5 submenu.

6 Q. Okay.

7 So let's continue now. I'm going
8 to focus on the text of Paragraphs 273 and
9 274 in Martyn (sic).

10 So the final sentence of
11 Paragraph 273 refers to a prior figure,
12 Figure 5KKK.

13 Do you see that?

14 MR. DARBY: Objection to form.

15 THE WITNESS: I do. I'm just now
16 glancing at 5KKK.

17 MR. LEVENTHAL: Sure. Please go
18 ahead.

19 THE WITNESS: (Witness reviewing
20 exhibit.)

21 MR. LEVENTHAL: Mr. Darby, what was
22 the basis of that objection, the form
23 objection?

24 MR. DARBY: Yeah. I believe you
25 said, "274 in Martyn." I believe you mean

1 "274 in Chaudhri."

2 MR. LEVENTHAL: Thank you. I
3 appreciate that. You are absolutely
4 correct.

5 Q. (BY MR. LEVENTHAL) So,
6 Dr. Cockburn, obviously -- hopefully you are
7 obviously looking there, but we are looking at
8 Chaudhri, not Martyn.

9 A. I understand.

10 Q. And did you have a chance to look
11 at 5KKK?

12 A. I'm doing that right now.
13 I'll just return to Paragraph 274.
14 Paragraph 273, sorry. I'm there.

15 Q. Okay.

16 And I will do my best to hold up
17 5KKK into the camera in case you want to look
18 back and forth.

19 So the final sentence of 573 (sic)
20 states: "For example, in Figure 5KKK each of
21 the selectable user interface objects has an
22 object modification target associated with it
23 (e.g., action icon 5002-37 has a respective
24 object modification target 5194."

25 Do you see that?

1 A. I do. Thanks.

2 Q. And so what is being discussed
3 there is, you've got one of these dancing
4 icons, and then in the upper left-hand corner
5 of that dancing icon there is a small circle,
6 and that is what is labeled 5194, correct?

7 A. Yes. I see it.

8 I should let you know that when I
9 returned to the figures, I used the image
10 capture functionality. So I captured the
11 image from the document you gave to me, and I
12 have those open on the window so I can look at
13 the text and the figures at the same time.

14 Q. Okay.

15 Thank you.

16 And -- yeah. If I was confident
17 enough to share the screen I could have done
18 that as well. I appreciate it. Okay. So
19 I'll stop holding that up.

20 Okay.

21 So the little circle 5194 in the
22 upper left-hand corner, that is referred to as
23 an object modification target, correct?

24 A. I see that.

25 Q. And if you look at the -- if you

1 look at the first sentence of Paragraph 274,
2 we're going to see a slightly different in the
3 parenthetical. Instead of saying, "object
4 modification target," it says, "object
5 modification region."

6 Do you see that?

7 A. I see that.

8 Q. Okay.

9 Do you -- is there any difference,
10 from your opinion, that a person of skill in
11 the art would take between the "object
12 modification target" and the "object
13 modification region," or are those just used
14 synonymously by Chaudhri?

15 A. A person of skill in the art would
16 understand, and Chaudhri elsewhere explicitly
17 discloses, the use of hit regions associated
18 with targets.

19 So a person of skill in the art
20 would understand the target itself, the
21 displayed object, may have a hit region
22 associated with it that could be different to
23 the displayed area.

24 Q. Understood.

25 Thank you.

1 So now in the first sentence of
2 Paragraph 274, it states: "In some
3 embodiments, when the device detects a request
4 to activate the object modification target for
5 a respective selectable user interface object
6 (e.g., tap gesture 5196 at a location on the
7 touch screen 112 that corresponds to a
8 location of an object modification region for
9 option icon 5002-37), the device displays an
10 object modification dialogue. For example, in
11 Figure 5LLL the device displays a pop-up
12 dialogue 5198."

13 Correct?

14 A. You read that correctly.

15 Q. Okay.

16 And so what -- what this is
17 describing is, in order to call up pop-up
18 dialogue 5198, a user will make a tap gesture
19 on the object modification region associated
20 with the little circle in the top left-hand
21 corner, 5194, correct?

22 A. Paragraph 274 states that, "...when
23 the device detects a request to activate the
24 object modification target," and then it
25 provides an example of the request, which is

1 tap gesture 5196 at a location of the touch
2 screen.

3 Q. So --

4 (Simultaneous speaking.)

5 A. So the tap gesture is one example
6 of the mechanisms used to activate the object
7 modification target.

8 Q. Got it.

9 And it's a tap gesture in a region
10 associated with a little circle in the upper
11 left-hand corner, correct?

12 A. The example is a tap gesture 5196,
13 which is shown slightly offset from the target
14 itself at 5194.

15 Q. Okay.

16 Now the second -- and you had
17 mentioned this earlier. I just want to -- if
18 we could now go to Paragraph 317 in Chaudhri,
19 which is the other paragraph you reference in
20 Paragraph 69 of your declaration.

21 A. I'm there. Thanks.

22 Q. There is -- I appreciate it's a
23 long paragraph. So if you could go ahead and
24 read it to yourself.

25 I believe the relevant part is the

1 last sentence, but please go ahead and read
2 the whole thing.

3 A. (Witness reviewing exhibit.)

4 Yes, I've read it. Thanks.

5 Q. And so in Paragraph 69 of your
6 declaration you cited to this Paragraph 317
7 for discussing an, open quote, "a contextual
8 menu," close quote, correct?

9 A. Correct.

10 Q. The only reference to "a contextual
11 menu" in Paragraph 317 is in the "e.g.,"
12 parenthetical in the last sentence of that
13 paragraph, correct?

14 A. The only explicit mention of
15 contextual menus in that paragraph is in that
16 final sentence.

17 Q. And what is being described is that
18 that contextual menu includes a "'new folder'
19 command" that the user clicks on, correct?

20 A. That's not how I read it.

21 The parenthetical reads, "(e.g., a
22 click on a 'new folder' command in a file
23 browser or a contextual menu...)"

24 Q. What did I say wrong?

25 I apologize for my imprecision, but

1 what did I say wrong?

2 A. I think you referred to the
3 contextual menu as being fundamentally related
4 to the click on the "new folder" command.
5 That's the way I interpreted what you said.

6 Q. So -- appreciate that. Let me see
7 if I can say it differently.

8 Before the parenthetical, Martyn
9 references the device could receive -- excuse
10 me -- it could receive "...a third input
11 corresponding to a command to perform a new
12 folder creation operation..."

13 Correct?

14 A. Just correct the question. The
15 question referred to Martyn again. I think
16 you meant Chaudhri?

17 Q. Thank you. I did mean Chaudhri.

18 A. And can you repeat the question,
19 please.

20 Q. Yes, sir.

21 So the last sentence refers to a
22 first input, a second input, and a third
23 input, and I want to skip -- skip to the third
24 input part of it. And I'm just going to read
25 that and then ask you what you believe it

1 means.

2 So it states: "...a third input
3 corresponding to a command to perform a new
4 folder creation operation" -- open paren --
5 "(e.g., a click on a" -- quote -- "'new
6 folder' command in a file browser or a
7 contextual menu, et cetera.)"

8 Did I read that correctly?

9 A. You did.

10 Q. Okay.

11 So one example of the inputs that
12 could be a command to perform a new folder
13 operation is that a file browser includes
14 something that can be clicked on that is a
15 "new folder" command, correct?

16 A. Yes.

17 Q. And another example that is
18 provided of a third input corresponding to a
19 command to perform a new folder creation
20 operation is a click on something in a
21 contextual menu that corresponds to a "new
22 folder" command, correct?

23 A. This is disclosing that a
24 contextual menu could be available somewhere
25 in the user interface to enable the creation

1 of a new folder.

2 Q. And the click is the click of one
3 of the options on the contextual menu, right?

4 A. This discloses to a person of skill
5 in the art that contextual menus are available
6 in Chaudhri. And in this particular example,
7 that connec- -- that contextual menu will
8 support the performance of creating a new menu
9 by selecting an item inside the contextual
10 menu.

11 Q. Paragraph 317 of Chaudhri does not
12 include any disclosure of how the contextual
13 menu referenced in that paragraph is -- is
14 called up in the first instance, correct?

15 A. Paragraph 317 itself contains no
16 explicit mention of how the contextual menu
17 is -- is posted.

18 Q. So I want to switch over and talk
19 about some of the claim language.

20 You can -- you can put Chaudhri
21 aside.

22 And the same as we did last time,
23 Dr. Cockburn, eventually I want to look at the
24 claim language itself, but you may want to
25 review Paragraphs 34 through 38 of your

1 declaration, which are on Pages 37 and 38
2 before we get to that.

3 A. I'm there. Thanks.

4 Q. Let me know when you're done
5 reading those.

6 A. (Witness reviewing exhibit.)
7 I'm done. Thanks.

8 Q. So if you could, please, now flip
9 to Page 5 of your declaration, which has a
10 claim listing of Claim 1.

11 A. It spans P5.
12 Ages 5 and 6?

13 Q. Yes.

14 A. I'm there.

15 Q. Actually, I apologize. Let me
16 just -- let's go back to your Paragraph 34. I
17 do have a question on that.

18 A. I took a snapshot of it before --
19 (Simultaneous speaking.)

20 Q. Okay.
21 Great.

22 A. -- turned to Page 5.

23 Q. Okay.

24 So in Paragraph 34 you state that
25 the '758 Patent includes independent Claims 1,

1 63 and 124, correct?

2 A. Yes.

3 Q. And each of those claims outlined
4 four scenarios regarding a user's touch
5 contact with an area of a mobile device touch
6 screen that corresponds to a first
7 application -- that icon, correct?

8 A. Yes.

9 Q. And now if we could please look at
10 Page 5.

11 So what each of Claims 1 -- 1, 63
12 and 124 are describing is logic that will
13 first detect a recited input -- each instance
14 of a recited user input and then apply the
15 logic for each of those scenarios to determine
16 if they are met, correct?

17 A. In Paragraphs 34 to 38 I identify
18 the four scenarios that are broadly covered by
19 the independent claims.

20 Q. Okay.

21 So if we look at Element 1.g that
22 is on Page 5, that describes -- and I'm
23 starting at the second-to-the-last word of the
24 first sentence (sic) -- "...detecting a first
25 single-finger touch input that means detecting

1 "the first single-" -- "first single-touch
2 input at a location on the touch sensitive
3 surface that corresponds to a first
4 application icon of the plurality of" ...
5 "icons."

6 Correct?

7 A. You abbreviated. It's not an exact
8 read; but more or less, yes.

9 Q. So what's happening -- and so [1.g]
10 defines the starting point of the logic that
11 is then carried out in the -- in the remaining
12 elements that -- the starting point is that
13 you detect this first single-finger touch
14 input.

15 So that begins when a touch goes
16 down. And the touch must be in a particular
17 location, which is that corresponds to a first
18 application icon.

19 Correct?

20 MR. DARBY: Objection to form.

21 THE WITNESS: Limitation 1.g
22 includes detecting the first single-finger
23 touch input at a location on the
24 touch-sensitive surface that corresponds to
25 a first application icon.

1 Q. (BY MR. LEVENTHAL) And then in
2 [1.h], [1.h] states that: "in response to
3 detecting the first single-finger touch input,
4 determining a response to the first
5 single-finger touch input based on evaluating
6 the first single-finger touch input against at
7 last one of a plurality of criteria, including
8 evaluating a duration of the first
9 single-finger touch input against at least one
10 of:" -- and then a number of options are
11 recited.

12 Correct?

13 A. You read that correctly.

14 Q. Okay.

15 And so the duration that is being
16 defined in [1.h] is a period of time that
17 begins when the touch at a location on the
18 touch-sensitive surface that corresponds to a
19 first application icon is detected, correct?

20 A. I think that slightly misstates the
21 meaning of the claim.

22 The touch must begin in -- as -- as
23 disclosed in Limitation 1.g, when the -- the
24 first single-finger touch input at a location
25 on the touch-sensitive surface that

1 corresponds to a first application icon.

2 That must -- that particular
3 limitation must be met. So the touch must
4 begin at that first icon.

5 And the -- to meet Limitation 1.h,
6 there must be "evaluating a duration of the
7 first finger" -- "first single-finger touch
8 input against at least one of" -- the
9 criteria.

10 Q. And the reference to "a duration,"
11 because it is the duration of the first
12 single-finger touch criteria, is a period of
13 time that begins at the beginning of the first
14 single-finger touch, correct?

15 MR. DARBY: Objection to form.

16 THE WITNESS: Limitation 1.h
17 states, "including evaluating a duration of
18 the first single-finger touch input against
19 one of the criteria..."

20 "A duration" includes the duration
21 from the point at which the touch began.

22 Q. (BY MR. LEVENTHAL) So it doesn't
23 just say "a duration." It says, "a duration
24 of the first single-finger touch," correct?

25 A. It reads: "...including evaluating

1 a duration of the first single-finger
2 touch..."

3 Q. And the fact that it clarifies the
4 duration that is being referenced is "of the
5 first single-finger touch" connotes to a
6 person of skill that the duration is the
7 period of time that begins when the first
8 single-finger touch begins, correct?

9 A. A duration would include the time
10 at which the first single-finger contact
11 begins.

12 Q. What else -- what else are you
13 saying?

14 (No pause for answer.)

15 I'm not sure what you mean by
16 "include."

17 What else are you saying would be
18 meant by that?

19 MR. DARBY: Objection to form.

20 THE WITNESS: Your question seems
21 to state the duration must be, and only must
22 be, the duration from the beginning from the
23 first single-finger touch.

24 I think that is narrower than the
25 claim permits. It says, "...including

1 evaluating a duration of the first
2 single-finger touch..."

3 Q. (BY MR. LEVENTHAL) And my question
4 to you, sir, is completely -- (communications
5 breakup/inaudible) --

6 THE COURT REPORTER: I'm
7 actually --

8 MR. LEVENTHAL: No, I think it was
9 me.

10 THE COURT REPORTER: Okay. Thank
11 you.

12 Q. (BY MR. LEVENTHAL) So can you
13 please -- well, actually, let me withdraw that
14 and let me -- let me skip around, because I
15 think I may know why we're talking past each
16 other.

17 The reference to "the first
18 single-finger touch" is referring to instances
19 of user touch being evaluated by the logic
20 described in the claim, correct?

21 A. As I described in Paragraphs 34 to
22 38 of my declaration, the independent claims
23 are broadly contemplating four different
24 scenarios.

25 Q. And the -- and -- and -- I'll start

1 over.

2 Multiple instances of user touch
3 that are evaluated and meet the initial
4 logic -- or the initial criteria defined by
5 [1.g] and [1.h] are each the "single-finger
6 touch," correct?

7 MR. DARBY: Objection to form.

8 THE WITNESS: Can you repeat the
9 question, please?

10 MR. LEVENTHAL: Sure.

11 Let me -- let me withdraw that
12 question.

13 Q. (BY MR. LEVENTHAL) If you go to
14 Page 6, Elements 1.i and 1.j recite two
15 different elements of conditional logic, both
16 of which are evaluating "the single-finger
17 touch," correct?

18 A. Both Limitations 1.i and 1.j
19 include mention of "the duration of the first
20 single-finger touch."

21 Q. And those two -- the criteria --
22 the conditional logic criteria that is stated
23 in [1.i] and [1.j] are mutually exclusive,
24 such that a single instance of user input
25 could not meet both [1.i] and [1.j], correct?

1 A. The focus in my declaration is on
2 how the prior art discloses the limitations.
3 I provided a precise analysis of how that
4 occurs.

5 Your question requires
6 contemplation of a hypothetical that I have
7 not yet had time to fully consider.

8 Q. In mapping the prior art, did you
9 map -- did you require that Elements 1.i and
10 1.j be met by a single instance of user input?

11 MR. DARBY: Objection to form.

12 THE WITNESS: As I describe in
13 Paragraphs 34 to 38, the claims describe a
14 series of scenarios; and I've disclosed how
15 those scenarios are each disclosed in the
16 prior art.

17 Q. (BY MR. LEVENTHAL) And so the four
18 scenarios, even though the -- the scenarios
19 [1.i], [1.j] and [1.k] each refer to "the
20 duration of the first single-finger touch,"
21 are not limited to acting upon a single
22 instance of user input; rather they describe
23 the logic for acting upon any instance of user
24 input that it detects, correct?

25 A. I think Claim 52 of the '758 Patent

1 assists in understanding the scope of the
2 claims.

3 Claim 52 depends from Claim 1 and
4 it outlines the scenarios that are highly
5 comparable with the scenarios that I outline
6 in Paragraphs 34 to 38.

7 Q. Let me ask my question again.

8 The scenarios that you have
9 outlined in Paragraphs 34 through 38 are logic
10 that act upon multiple instances of user
11 inputs. They are not required to all be met
12 by one instance of user input.

13 Correct?

14 A. In light of Claim 52, in
15 particular, of the '758 Patent, a person of
16 skill in the art would understand that the
17 limitations can be met, as disclosed in my
18 declaration, when each of those four scenarios
19 are met.

20 MR. LEVENTHAL: I believe that is
21 the end of my outline, but let's take a
22 five-minute break, if you don't mind, so I
23 could check my notes.

24 THE WITNESS: Sure.

25 THE COURT REPORTER: Off the record

1 at 2:00 p.m.

2 (Brief Recess Taken.)

3 THE COURT REPORTER: Back on the
4 record at 2:05 p.m.

5 MR. LEVENTHAL: Dr. Cockburn, I
6 have no further questions at this time. I
7 thank you for your time.

8 And pass the witness.

9 MR. DARBY: No redirect.

10 THE COURT REPORTER: Mr. Darby,
11 would you like a copy of the transcript?

12 MR. DARBY: Just a rough for me.

13 THE COURT REPORTER: Okay. Thank
14 you.

15 (Signature waived.)

16 (Deposition concluded.)

17

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25

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

5

6

APPLE, INC.,

7

Petitioner

8

V.

9

SMITH INTERFACE

10

TECHNOLOGIES, LLC

11

Patent Owner

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13

IPR2024-01088

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Patent 10,757,758

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16

REPORTER'S CERTIFICATION

17

DEPOSITION

18

OF

ANDREW COCKBURN, PH.D.

19

MARCH 27, 2025

20

21

22

I, KATERI A. FLOT-DAVIS, Certified

23

Shorthand Reporter in and for the State of

24

Texas, hereby certify to the following:

25

1 That the witness, ANDREW COCKBURN,
2 PH.D., was duly sworn by the officer and that
3 the transcript of the oral deposition is a
4 true record of the testimony given by the
5 witness;

6
7 That examination and signature of
8 the witness to the deposition transcript was
9 waived by the witness and agreement of the
10 parties at the time of the deposition;

11
12 I further certify that I am neither
13 counsel for, related to, nor employed by any
14 of the parties in the action in which this
15 proceeding was taken, and further that I am
16 not financially or otherwise interested in the
17 outcome of the action.

18 Certified to by me this _____ day of

19 _____, _____.
20
21

22 

23 KATERI A. FLOT-DAVIS, CSR, CRR, #8462
24 Expires: September 30, 2026
25

0 0218 7:21,24 1 1 60:10,25 61:11 69:3 1.2 23:8,20 24:3 1.g 61:21 62:9,21 63:23 67:5 1.h 63:2,16 64:5,16 67:5 1.i 67:14,18,23,25 68:9,19 1.j 67:14,18,23,25 68:10,19 1.k 68:19 1001 5:16,21 1003 5:17,23 7:9 1004 5:17 6:1 1005 5:18 6:3 19:25 30:2 1006 5:19 6:5 104 8:1 111 3:5 112 54:7 118 7:18 12 49:9 124 61:1,12 127 45:17 12:02 2:7 5:4 136 8:11 15 20:15 16 22:11,17 23:1 25:18 26:1 28:7 17 21:25 22:3,10 23:1,23 24:23,25 25:19 26:9 27:1 28:7 29:3 33:8 42:11 1970s 15:16 2 20 37:22 2000 3:5,12 2011 14:10 38:11 2018 7:20 2025 2:7	212 9:9 29:24 31:3,25 32:5 27 2:7 273 45:25 50:8,11 51:14 274 45:18,20,25 46:16,18,19 48:11, 19 50:9,25 51:1,13 53:1 54:2,22 2:06 2:7 3 3 4:5 37:25 38:14 48:12 317 47:9 48:10 55:18 56:6,11 59:11, 15 34 59:25 60:16,24 61:17 66:21 68:13 69:6,9 37 8:21 60:1 38 8:21 59:25 60:1 61:17 66:22 68:13 69:6,9 39 8:22 9:3,18 5 5 4:10 46:20 60:9,12,22 61:10,22 5002-37 51:23 54:9 5194 51:24 52:6,21 54:21 55:14 5196 54:6 55:1,12 5198 46:17,21,24 47:19,21 48:19,21 49:5,8,13,15,18 54:12,18 51998 49:2 52 68:25 69:3,14 573 51:19 59 10:2,19 5KKK 50:12,16 51:11,17,20 5LLL 46:18,20 48:22 49:5,17 54:11 6 6 60:12 67:14 60 10:20 12:7 37:25 61 15:14 63 10:1,5,18 11:3 13:17 18:12,15 21:13 42:25 61:1,11 64 11:25 13:25 14:4,24 15:12 44:17 65 14:4,24 15:12	66 15:20,25 16:8,21 17:7,23 67 15:21 16:21 17:3,7,23 68 18:6 19:7,13 20:3,23 21:4,7 42:12, 15 69 13:25 44:18,21,24 45:5 46:6,23 48:12,25 49:1,14 55:20 56:5 7 70 45:4 71 4:14 718 32:1,2,13 755 5:16 758 29:25 32:14,21 60:25 68:25 69:15 77010 3:12 78 31:3 78701 3:6 9 97 7:19 A abbreviated 62:7 above-styled 2:6 absolutely 21:19 31:17 32:16 41:14 51:3 access 16:19 17:5,11,20 18:3 21:20 43:15 accessed 23:25 accessibility 17:1,4 accessing 17:9,19 23:2 accomplish 17:17 accomplished 33:18 35:12 accurate 29:9 act 69:10 acting 68:21,23 action 33:5 39:1,12 51:23 activate 28:9 54:4,23 55:6 activation 25:12 33:14,20,24 34:6 35:11
--	---	---

active 6:18 activity 40:7 add 12:11 18:7 adding 18:20 additional 9:12,20 Additionally 38:4 address 6:12 14:25 16:21 18:24 29:25 addresses 16:25 addressing 30:11 advanced 9:21 advantage 16:11 20:3,4,5 21:9 42:17 43:9 advantageous 21:11 advantages 19:11 21:15 42:25 43:5 ages 10:19 60:12 agnostic 28:5,12 38:18 agree 9:16 13:15 30:21 31:23 agreed 13:4 ahead 7:16 10:4 21:23 50:18 55:23 56:1 akin 46:25 47:1 allowing 40:8 alternative 27:7 44:2 Alternatively 34:16 amount 23:7 24:3,9 25:24 analogous 38:6,25 analyses 31:12 analysis 30:19,22 68:3 ANDREW 2:3 4:8 5:7 apologize 18:20 22:9 40:3 56:25 60:15 app 20:5,8,13,17,22 22:5 23:2,6,10, 17,19 24:2,4,12,15,17 25:1,5,15 26:2 27:1,2 28:9 32:8,24 33:5,13,25 34:22, 23 35:3,15 36:2,6,15 42:18 43:15,16 44:3 47:1,18 49:25 apparent 17:14 Appearances 4:5 appears 24:22,24 36:13 applicable 30:9 31:5,9	application 6:17 8:6,8,17 11:22 17:16 22:21 23:4,6,20 24:2,9,18 25:22,23 26:10 37:17 39:5,7,9,15 40:5,10,19,24 41:3,5,20,24,25 42:7 43:20 61:7 62:4,18,25 63:19 64:1 applications 12:2 16:4,18 apply 61:14 applying 16:2 area 53:23 61:5 art 9:5 12:3,21 16:16,24 19:18 20:11, 20 21:1,17 29:14 30:1 34:3,8,17 35:10 37:3 39:21 42:3 43:24 47:13 48:6 49:4 53:11,15,19 59:5 68:2,8,16 69:16 assists 69:1 attempt 27:4 Austin 3:6 B back 13:8 15:5,16 19:1,20 20:1 33:7 37:24 42:11 44:13 51:18 60:16 background 15:6 45:1 bar 24:5 based 45:13 63:5 basically 13:24 basis 50:22 began 9:10 64:21 begin 63:22 64:4 beginning 39:12 64:13 65:22 begins 10:1 33:11 36:12 62:15 63:17 64:13 65:7,8,11 benefits 44:1 big 31:20 bit 11:9 bottom 10:2 29:3 bracket 7:20,21 break 44:8 69:22 breakup/inaudible 66:5 broad 31:13 broadly 18:2 61:18 66:23 browser 56:23 58:6,13 button 36:4 38:7,13,22,25 39:23	buttons 36:23 38:21 C call 21:10 23:17 25:5 32:24 33:24 54:17 called 25:1,15 36:16 37:7 59:14 calling 14:25 15:9,17 16:11 20:8 22:4 32:7 35:15 42:18,20 camera 51:17 capacity 36:18,20 37:4 capture 52:10 captured 52:10 carried 62:11 carries 49:18 carry 7:22 carrying 49:6 case 9:10,13 36:5,6 51:17 categories 10:20 caught 37:21 Central 2:8 Certificate 4:14 cetera 25:12 36:9 58:7 chance 51:10 change 7:5 characterization 12:17 16:15 27:13 42:23 characterized 49:24 characterizing 49:2,15 charitably 32:17 chat 6:24 Chaudhri 5:18 10:13,17,22 11:15 12:4,11,23 13:12 14:17 21:2 30:16 45:17 46:7,24 47:5,8 48:4 51:1,8 53:14,16 55:18 57:16,17 59:6,11,20 Chaudhri's 16:3 45:13 47:19 Chaudhri-and-martyn's 19:16 Chaudhri-martyn 11:5 check 69:23 chronologically 24:22 circle 52:5,21 54:20 55:10
---	--	--

cited 45:19 56:6 citing 46:15 Civil 2:12 claim 59:19,24 60:10 63:21 65:25 66:20 68:25 69:3,14 claims 60:25 61:3,11,19 66:22 68:13 69:2 clarification 8:2,12 19:4 clarifications 7:13 clarifies 65:3 clarify 11:13 clarifying 18:13 clause 9:10 42:3 cleanly 41:18 clear 20:16 28:6 click 56:22 57:4 58:5,20 59:2 clicked 58:14 clicks 56:19 close 23:8,10 48:14 56:8 Cockburn 2:3 4:8 5:7,13 7:8 8:20 19:24 28:14 37:23 44:15 45:16 51:6 59:23 combination 11:5 23:1 30:11,18 32:5,22,25 35:21 37:15 45:11 combinations 31:16 combine 10:16 14:2 21:1 combining 31:11 comma 9:10,23 command 56:19,22 57:4,11 58:3,6, 12,15,19,22 common 11:22 17:15 38:23 47:11 commonly 12:2 37:11 communication 6:22 communications 66:4 comparable 69:5 compelled 47:13 complete 29:18 34:5 completely 66:4 compound 11:16 27:16 41:8 computer 6:13 14:10 concludes 13:17	condition 42:5 conditional 67:15,22 confident 52:16 confirm 6:21 confirming 31:14 Congress 3:5 conjunction 41:1 connec- 59:7 connotes 26:10 65:5 contact 61:5 65:10 contemplate 35:11 contemplated 26:17 contemplating 66:23 contemplation 18:2 68:6 contend 43:8 contending 43:18 context 10:9 12:24 13:13 15:18 21:5, 10 35:23 36:22 44:25 49:6,11,18 contextual 10:24 11:20 12:12 14:13, 16 16:2,10,12 20:6,8,22 46:8,15,25 47:9,12,15,19,25 48:2,5,8,13 49:3,16, 20,21,22,25 50:3,4 56:7,10,15,18,23 57:3 58:7,21,24 59:3,5,7,9,12,16 continuation 45:5 continue 50:7 control 36:24 conventional 22:18 23:3,18 24:7 25:20 26:1,3,13 corner 52:4,22 54:21 55:11 correct 7:3 9:5 11:23 12:15 13:20, 21,25 14:5,11 15:3,4,13,21,22 16:6, 13,23 17:9,24 18:6 19:7,8,11 20:9,24 21:12 22:5 23:12,22 24:13,23 25:6,24 28:4,11,18 30:2,10 31:6 32:8 33:1 34:1 37:19 38:8,16 39:8,17 40:11 41:7 42:1,21 44:23 45:14 46:12 47:2, 20 48:16,20 49:3,16,21 50:1 51:4 52:6,23 54:13,21 55:11 56:8,9,13,19 57:13,14 58:15,22 59:14 61:1,7,16 62:6,19 63:12,19 64:14,24 65:8 66:20 67:6,17,25 68:24 69:13 corrections 7:10 correctly 22:22 29:10 30:15 35:1 41:11 54:14 58:8 63:13 corresponds 35:25 54:7 58:21 61:6	62:3,17,24 63:18 64:1 couple 13:23 COURT 5:3 44:10,13 66:6,10 69:25 covered 61:18 creating 59:8 creation 57:12 58:4,19,25 criteria 63:7 64:9,12,19 67:4,21,22 CRR 2:9 CSR 2:9 current 32:20 cursor 39:15,22 40:18 41:1,5,21 42:1,7 cut 40:3 D D-PAD 37:7 39:24 42:9 dancing 52:3,5 DANIEL 3:10 daniel.leventhal@nortonrosefulbright.com 3:13 Darby 3:4 31:7 32:9 33:2 47:3 50:14, 21,24 62:20 64:15 65:19 67:7 68:11 date 15:16 Daylight 2:8 deal 31:20 declaration 5:17 7:10 8:22 10:10 14:3 21:8 38:1 42:12 44:16 46:6 48:13 55:20 56:6 60:1,9 66:22 68:1 69:18 default 27:6,17 41:2,23 DEFENDANT 3:8 defined 63:16 67:4 defines 62:10 definition 9:2,4,17 degree 9:21 delete 9:18 49:9 depends 69:3 deployed 38:23 deposed 29:23 deposition 2:3 32:21
--	---	---

describe 9:3 13:18 14:5 21:4 28:3, 10,17 39:19 68:12,13,22 describes 10:16 11:25 15:17 21:9 22:3 24:15,16 42:16 43:8 61:22 describing 12:19,20 19:11 32:7 39:20 54:17 61:12 description 20:4 desired 40:10 41:4,25 detect 61:13 62:13 detected 63:19 detecting 61:24,25 62:22 63:3 detects 54:3,23 68:24 determine 61:15 determining 63:4 device 39:24 54:3,9,11,23 57:9 61:5 devices 29:13 37:12 38:19,20,24 dialogue 46:8,15,17,21,24 47:5,19, 21 48:18,19,21 49:2,12,13,15,17,20, 22 54:10,12,18 dialogue' 48:14 difference 31:25 53:9 differences 31:12 differentiate 36:25 differently 57:7 direct 17:10 33:9 directed 22:9 directly 14:15 48:4 disadvantages 44:1 disagree 12:16 16:14 20:10 27:12,19 42:22 disclose 23:1 28:2 disclosed 14:15 27:20 42:17,19 44:3 49:18 63:23 68:14,15 69:17 discloses 22:7 23:17 24:7,12 25:17 33:12 43:19,23 47:21 48:4 53:17 59:4 68:2 disclosing 58:23 disclosure 26:18 30:7,9,24 31:4 32:3,22 38:15 39:3,20 48:22 59:12 disclosures 10:13 19:16 20:11 33:4 43:2,13 47:14 48:7,23 discussed 8:25 9:7,13 45:12 52:2	discussing 10:10 16:10 56:7 display 35:25 36:1 displayed 23:21 36:4 46:17 53:21,23 displaying 24:12,15,16 46:8 displays 46:20 54:9,11 distinction 35:2 Doc 49:9 document 52:11 documents 6:17 49:10 drops 23:10 24:4 duly 2:5 5:8 duration 63:8,15 64:6,10,11,17,20, 23 65:1,4,6,9,21,22 66:1 67:19 68:20 E e.g 51:23 54:6 56:11,21 58:5 e.g. 25:11 35:13 earlier 18:21 38:17 40:2 55:17 ease 20:17 21:15 43:1,6,12 easy 21:20 efficiently 17:18 electronic 6:22 electronically 5:15 Element 61:21 elements 62:12 67:14,15 68:9 embedded 41:9 embodiments 54:3 enable 58:25 end 9:11,19 11:3 25:7 42:10 69:21 entire 43:13 equally 30:9 31:5,9 error 32:12,18 ESQ 3:4,10 essentially 8:12 evaluated 66:19 67:3 evaluating 63:5,8 64:6,17,25 66:1 67:16 eventually 59:23 exact 28:15 62:7	Examination 4:10 5:11 examples 24:25 25:11,14 33:17,19 34:7 excludes 27:20 exclusive 67:23 excuse 16:20 27:1 57:9 exemplary 43:22 exemplifies 26:3 exhibit 5:21,23 6:1,3,5 7:9 8:3 10:7 19:25 30:2 46:2 50:20 56:3 60:6 Exhibits 5:16 experience 9:12,20 explained 15:15 explaining 18:23 19:21 explains 18:17 explanation 18:12 explicit 28:20,25 29:11 56:14 59:16 explicitly 18:15 28:3,11,17 53:16 extracts 19:13 extremely 47:11 F fact 14:12 28:24 65:3 fair 9:22 10:14 11:2 13:2 26:24 27:11 30:20 31:17 33:15 45:6,7 features 12:18 Federal 2:11 feel 20:2 figure 46:18,20 48:22 49:5,17 50:11, 12 51:20 54:11 figures 52:9,13 file 56:22 58:6,13 files 6:15 final 9:23 22:16 24:24 25:13 39:14 42:3 50:10 51:19 56:16 find 8:2 Finder 6:18 fine 13:5 finger 27:22 64:7 fired 25:1,15 36:16
---	--	---

Fish 3:4 five-minute 69:22 flip 10:1 13:23 20:1 60:8 FLOT-DAVIS 2:9 focus 48:9,11 50:8 68:1 focused 37:15 folder 49:10 56:22 57:4,12 58:4,12, 15,19,22 59:1 folder' 56:18 58:6 footnote 18:13,16 37:25 38:9,14 form 10:24 11:21 14:13 31:7 32:9 33:2 47:3 50:14,22 62:20 64:15 65:19 67:7 68:11 foundation 32:10 four-way 36:17,20 37:4,7 fourth 8:5 15:14 44:6,17,20 45:9 free 20:2 Fulbright 3:11 full 38:9 fully 68:7 function 20:16 22:8,20 24:18 32:4, 24 36:17 37:17 38:16 39:4 40:6,25 41:10 43:20 functionality 17:6 20:13 23:25 36:5 37:6 43:15 52:10 functions 11:22 17:2,16 35:12 fundamentally 57:3	H happening 62:9 heard 41:10 helpful 34:20 hesitant 31:14 highlight 22:19 23:4,5,11,19 24:1,5, 8,11 25:21,22 26:9,12,14,16,19,22 27:6,8,21 33:22,23 34:14 40:8,9 41:4, 24 42:6 highlighted 19:1 22:21 24:19 37:18 39:5,8,10,15 40:5,19,23 41:20 43:21 highlighting 39:11 41:3,23 highly 69:4 hit 53:17,21 hold 38:6,13 39:4,6 51:16 holding 52:19 horizontal 36:21 37:10 hour 44:7 Houston 3:12 hypothetical 68:6	incorporate 12:4,22 13:11 incorporation 12:19 independent 11:4,6 12:18 13:19 60:25 61:19 66:22 INDEX 4:1 indications 36:25 initial 67:3,4 innovative 23:24 input 11:1 12:14 15:2 16:13,22 21:10 22:4 28:6,11,13 38:18,20 39:24 42:1, 18 43:9,21,23 57:10,22,23,24 58:2,18 61:13,14,25 62:2,14,23 63:3,5,6,9,24 64:8,18 67:24 68:10,22,24 69:12 inputs 28:3,17 58:11 69:11 inside 59:9 instance 2:4 20:15 35:23 59:14 61:13 67:24 68:10,22,23 69:12 instances 66:18 67:2 69:10 integrate 10:11 integrated 10:22 intentions 21:18 interaction 38:25 interface 16:4,17 17:6 20:7 46:10 47:7,23 48:1 51:21 54:5 58:25 interfaces 14:10 15:8 interpreted 57:5 introduction 15:25 invoking 17:15 issues 16:25 item 34:14,15 39:11 49:5,18 59:9 items 35:25
G gave 52:11 gesture 13:1,14 18:14 38:5,22 39:2 54:6,18 55:1,5,9,12 gestures 18:18,19 38:10 give 7:15 30:6 31:2 glancing 50:16 good 5:13 34:24 44:7 Gotcha 8:18 graphical 14:10 15:7,8 Great 60:21 Griffin 5:20 GUI 15:15	I icon 8:6,9 27:22 51:23 52:5 54:9 61:7 62:4,18,25 63:19 64:1,4 icons 8:17 52:4 62:5 identified 17:23 35:1 identify 10:20 17:8 20:5 21:8 42:15 61:17 image 52:9,11 imprecision 56:25 improve 16:3 improved 43:12 include 13:12,13 17:12 29:11,15 37:9 38:20 59:12 65:9,16 67:19 included 21:5 27:17 includes 12:23,25 14:12 16:18 17:5, 19 18:2 19:11,13 21:2 37:5 39:10 43:2,14 56:18 58:13 60:25 62:22 64:20 including 15:7 17:1 32:25 63:7 64:17,25 65:25	J Justin 3:18 K KATERI 2:8 kdarby@fr.com 3:6 KENNETH 3:4 key 35:24 39:15,22 40:18 41:1,6,21 42:1,8

kill 6:19 L labeled 25:4 52:6 lack 32:10 Lamar 3:11 language 59:19,24 launch 26:2 34:12,15,19,21,22 35:2, 3 36:2 launcher 23:6 24:2 27:1 launching 33:13 36:5 lay 13:24 left 37:1 left-hand 52:4,22 54:20 55:11 level 9:21 Leventhal 3:10 4:10 5:12,14 6:7 31:17,18 32:16,20 33:6,7 44:5,15 47:17 50:17,21 51:2,5 63:1 64:22 66:3,8,12 67:10,13 68:17 69:20 light 69:14 limit 30:24 limitation 62:21 63:23 64:3,5,16 limitations 67:18 68:2 69:17 limited 26:19 68:21 lines 12:6 list 25:3,11 33:19 34:7 35:13 listed 17:23 listing 60:10 LLP 3:11 location 26:20,21,22 27:18 54:6,8 55:1 62:2,17,23 63:17,24 logic 61:12,15 62:10 66:19 67:4,15, 22 68:23 69:9 long 13:1,14 15:10,12,18 55:23 lower 24:22 M machine 2:10 made 9:14 42:10 make 7:11 13:4,6,8 14:23 19:1 54:18	makes 9:18 20:16 making 34:24 map 68:9 mapping 68:8 March 2:7 Marked 5:22,24 6:2,4,6 Martyn 5:19 10:16,21 11:15,20 12:9, 23 13:12 14:16 17:16 19:10,14,25 20:12,16 21:2,8,14,24 22:6 23:16 24:6,12,14 25:16 26:17 27:20 28:2,5, 10,12,16,25 29:11 30:1,3,7,9,16,25 31:4,11,15 32:2,7 33:12,16 35:17 38:17 39:3 42:4,16 43:2,8,11,18 44:4 45:11 47:16 48:7 49:25 50:9,25 51:8 57:8,15 Martyn's 10:12 16:2 20:4,22 21:18 26:18 32:3 33:4 38:15 47:1,18 material 45:1 matter 9:1 meaning 63:21 means 44:2 58:1 61:25 meant 57:16 65:18 mechanism 17:8,11,22 mechanisms 16:18 17:5,20 18:3 20:21 21:19 28:6 43:14 55:6 meet 64:5 67:3,25 mention 15:12 17:10 19:13 20:23 21:2 27:17 28:21,25 29:12 38:3 56:14 59:16 67:19 mentioned 18:15 22:8 41:15 55:17 mentioning 41:18 menu 12:24 13:13 14:13 16:4,17,19 17:11,19,21 18:3 20:22 21:11,20 23:11 47:9,25 50:3 56:8,11,18,23 57:3 58:7,21,24 59:3,7,8,10,13,16 menus 14:16 15:7,9,16,18 47:12,15, 20 48:2,5,8 56:15 59:5 messages 34:12,13,19 35:2,3,7,8 met 21:22 61:16 64:3 68:10 69:11,17, 19 method 20:7 21:12 22:25 23:16 24:6 25:16 32:7 43:9,21 methods 21:14 22:4,6,8 23:18 26:13 35:15 42:18,20 43:23 mind 69:22	minor 7:13 minutes 37:22 misstates 63:20 mobile 29:13 36:17 37:12 38:24 61:5 modification 51:22,24 52:23 53:4,5, 12,13 54:4,8,10,19,24 55:7 modify 29:6 modifying 46:10 47:6,23 moment 35:21 Monitor 3:18 morning 5:13 motivated 10:11 11:19 12:3,11 13:11,20 48:6 move 22:19 23:4 24:7 25:21 26:13 34:14 42:6 44:5 moving 26:15,19 27:8 multi-item 25:3 multiple 22:3 44:22 67:2 69:10 mutually 67:23 N narrower 65:24 narrowly 20:12 31:1,19 nature 47:11 navigate 22:20 27:4 33:23 navigated 41:4 navigating 40:9 41:24 navigation 20:18 21:16 22:18 23:3, 18 25:20 26:2,4,12 27:8 43:1,6,13 necessarily 27:19 non-disclosed 42:20 nonmoving 8:6,8,14,16 Norton 3:11 notes 69:23 notion 46:7 number 20:18 30:3 63:10 numbered 2:6 O object 47:7,24 48:2 49:6 51:22,24
---	---	--

52:23 53:3,4,11,12,21 54:4,5,8,10,19, 24 55:6 object.' 46:11 objection 31:7 32:9 33:2 47:3 50:14, 22,23 62:20 64:15 65:19 67:7 68:11 objectives 21:21 objects 51:21 occur 27:2 occurred 40:7 occurring 27:18 occurs 27:5 39:6 68:4 offset 55:13 one-part 34:18 35:7 open 6:13,15 23:7,9 48:14 52:12 56:7 58:4 operation 57:12 58:4,13,20 opining 12:10 opinion 9:3 13:10 47:18 53:10 option 54:9 options 12:1 14:9 15:1 17:15 46:9 47:6,22,25 59:3 63:10 ORAL 2:3 order 20:21 33:5 54:17 ordinary 9:4 26:11 34:8 35:20 39:21 original 40:9 Otelling 30:15 32:6 outline 37:21 69:5,21 outlined 61:3 69:9 outlines 69:4 Owner 2:5	48:10,11,12,19,25 49:1,14 50:11 51:13,14 53:1 54:2,22 55:18,19,20,23 56:5,6,11,13,15 59:11,13,15 60:16,24 paragraphs 13:25 14:4,24 15:11,20 16:21 17:7,12,23 28:7 44:22 50:8 59:25 61:17 66:21 68:13 69:6,9 paren 23:7,8,9,10 58:4 parenthetical 53:3 56:12,21 57:8 part 13:3 19:21 32:4,24 36:14 55:25 57:24 parts 45:11 party 9:8 passage 21:8 42:16 passing 24:11 past 11:8 66:15 Patent 2:5 5:16 9:9 29:24,25 60:25 68:25 69:15 pause 7:14 23:20 27:9,25 65:14 PDAS 29:13 37:11 38:24 pending 19:6 people 6:25 perfectly 31:24 49:19 perform 33:24 57:11 58:3,12,19 performance 59:8 performing 41:25 period 24:10 63:16 64:12 65:7 permits 65:25 person 9:4 12:2,21 16:16,24 19:17 20:10,19 21:1,17 26:11 29:13 34:2,8, 16 35:10,17,19 37:3 39:20 42:2 43:24 47:12 48:5 49:4 53:10,15,19 59:4 65:6 69:15 person-of-skill-in-the-art's 47:10 perspective 19:17 PH.D. 2:3 4:8 5:7 phonetics 30:15 physical 35:24 36:3,23,24 37:1 38:6, 13,21,22 place 27:6 40:9 PLAINTIFF 3:3 plurality 62:4 63:7 point 22:17 23:21 24:10 34:24 62:10, 12 64:21	pointed 13:16 36:11 37:25 43:5 pointing 19:10 32:3 43:7 48:24 pop-up 46:8,15,16,21,24 47:5,19,21 48:14,18,19,21 49:2,13,15,17,20,22 54:11,17 portions 10:12 POSITA 10:11 11:19 12:10 13:10,19 17:14 45:10 46:23 possibilities 27:21 post 16:19 posted 59:17 potential 35:21 precedes 45:2 preceding 29:22 precise 68:3 precisely 31:1,15 predictably 16:3 preface 18:11 20:25 21:6 preferred 43:22 preliminary 36:19 premise 40:16,20 presence 40:23 41:19 present 3:17 14:1 20:21 presentation 47:14 presented 19:12 42:4 49:12 presenting 44:3 press 13:1,14 15:10,12,18 36:3 37:1 38:6,13 39:4,6 press-and-hold 11:1 12:13,25 13:14 15:13 18:18 20:24 21:3,10 22:7 24:17 32:4,23 33:4 37:16 38:15,22 39:1,12 40:24 41:9,15 43:19 Preview 6:16 previous 18:7 29:7,9 30:4,5,14 40:7 previously 5:21,23 6:1,3,5 29:23 primarily 10:19 prior 26:21 30:1 50:11 68:2,8,16 problem 18:22 Procedure 2:12 proceeding 9:8 29:24 30:4,5,7,10, 14 31:3,6 32:1,6,13,14,21
P p.m. 2:7 5:4 P5 60:11 pages 13:24 60:1 paragraph 7:18 8:1,11,22 9:3,18,25 10:1,5,18 11:3,25 12:7 13:17 15:25 16:8 17:3 18:5,6,12,15 19:7,13 20:3, 15,23 21:4,7,25 22:3,10,11,17 23:1, 23 24:23,25 25:8,18,19 26:1,9 27:1 29:3 33:8 42:11,12,15 44:18,21,24 45:4,5,18,20 46:6,16,18,19,23 47:9		

proceedings 30:2,12
process 33:12,18 34:4,11,18 35:6,8
processes 25:4,10 33:11
produced 2:4
programs 6:13
promise 24:21
prompted 45:10
provide 11:6 25:14 43:12
provided 5:15 43:16 47:15 48:7 58:18 68:3
providing 10:23 11:20,25 12:12 17:14 33:17
provisions 2:12
purpose 20:17 43:11
pursuant 2:11
pursue 45:10
put 59:20
putting 11:15

Q

question 11:17 12:8 18:21 19:5 22:13 23:13 26:15 28:15,16 31:8,13 32:12 36:19 40:12,16,21,22 41:9,10, 13 57:14,15,18 60:17 65:20 66:3 67:9,12 68:5 69:7
questions 10:6 18:25 46:1
quick 7:23
quickly 17:18
quote 48:14,15 56:7,8 58:5
quotes 17:3 21:14
quoting 15:24

R

range 44:21
rationale 12:21 30:17
read 10:5,8 13:7 20:11 22:12,15,22 44:25 45:24 54:14 55:24 56:1,4,20 57:24 58:8 62:8 63:13
reading 12:6 34:3 42:3 60:5
reads 15:14 23:24 25:9 56:21 64:25
real 7:23

reask 19:5
reason 14:5,8,12 15:20,23 16:1 18:1, 5 19:7,9,12 44:6,17,20 45:9
reasonable 49:19
reasons 10:16 11:4,7,10,12 13:19,24 14:1,18 20:25 27:3
recall 8:25 29:10 30:15
receive 57:9,10
Recess 44:12
recite 67:14
recited 61:13,14 63:11
record 2:13 5:3,15 44:11,14 69:25
recurring 17:17
reduce 20:18
refer 15:5 17:4 28:7 29:12 42:24 49:19 68:19
reference 5:18,19,20 7:19 10:13 30:1 35:16 38:12,14 40:25 41:21 48:13 55:19 56:10 64:10 66:17
referenced 59:13 65:4
references 31:10 57:9
referencing 38:14
referred 14:16 26:15 32:13 40:2 50:3,4 52:22 57:2,15
referring 24:20 34:22 46:14,16 66:18
refers 15:9 19:15 31:8 41:21 46:19 47:8 50:11 57:21
region 53:5,13,21 54:8,19 55:9
regions 53:17
related 9:1,7,8 29:23,25 57:3
relationship 18:17
relevant 55:25
relying 32:6 33:3
remain 40:8
remaining 62:11
Remotely 2:11
remove 49:9
repeat 23:13 40:12 41:16 57:18 67:8
reported 2:10
REPORTER 5:3 44:10,13 66:6,10 69:25

Reporter's 4:14
representation 29:9
request 54:3,23,25
require 68:9
required 22:21 69:11
requires 68:5
respective 51:23 54:5
response 11:1 12:13 15:1,9,18 16:12 18:8 24:10,17 63:2,4
rest 23:5 24:1 25:22 26:9
resting 24:11 33:22 39:11
rests 24:8
return 51:13
returned 52:9
review 59:25
reviewing 8:3 10:7 46:2 50:19 56:3 60:6
revisit 14:2
Richardson 3:4
rocker 37:8 39:23 42:9
room 7:1
Rose 3:11
Rules 2:12
run 31:21

S

satisfied 41:2,22
satisfy 42:5
scenario 27:16
scenarios 61:4,15,18 66:24 68:14, 15,18 69:4,5,8,18
scope 69:1
screen 27:23 28:3,11,17 37:10 38:5, 23 52:17 54:7 55:2 61:6
screen.' 28:21
scroll 23:18 36:16
scrolling 22:19 24:7 25:21 26:4,6 36:18,20,21 37:4,10
second-to-last 21:13 33:10
second-to-the-last 42:24 61:23

seconds 23:20 section 10:15 15:5,6,7,8,15,17 seek 47:13 48:6 select 22:7,20 24:18 32:4,23 33:5 37:16 38:16 39:4 40:6,25 41:10 selectable 12:1 14:9 15:1 46:10 47:7,23 48:1 51:21 54:5 selected 43:20 49:7 selecting 59:9 selection 25:4,10,12 33:11,12,18 34:4 35:14,17 sense 9:14,18 sensitive 62:2 sentence 9:11,19,23 10:19 16:8 22:16 23:23 24:24 25:9,13,18,25 26:8,25 33:10,16 35:14 36:10,12 37:13 38:4 45:19 46:5 48:24 50:10 51:19 53:1 54:1 56:1,12,16 57:21 61:24 sentences 25:7 separate 12:18 series 68:14 Serrano 3:18 set 20:25 36:23 share 52:17 shortcut 10:24 11:21 12:12,24 shorter 41:12 shorthand 2:10 show 35:4,7,8 36:6 showing 36:6 shown 35:24 36:1 46:20 48:21 55:13 shows 47:5 shut 6:20 sic 12:7 23:11 31:3 32:1,2 50:9 51:19 61:24 similarities 19:15 simple 19:6 simply 9:15 simultaneous 18:9 39:25 55:4 60:19 single 44:24 67:24 68:10,21 single- 62:1	single-finger 61:25 62:13,22 63:3,5, 6,9,24 64:7,12,14,18,24 65:1,5,8,10, 23 66:2,18 67:5,16,20 68:20 single-touch 62:1 sir 6:8 12:5 28:23 29:16 30:20 32:17 45:21 57:20 66:4 sixth-from-the-last 8:14 skill 9:4 12:3,21 16:16,24 19:17 20:10,19 21:1,17 26:11 29:14 34:2,8, 16 35:10,18,19,20 37:3 39:21 42:2 43:24 47:12 48:5 49:4 53:10,15,19 59:4 65:6 69:16 skip 57:23 66:14 slightly 30:12,18 53:2 55:13 63:20 small 52:5 snapshot 12:24 13:12 20:6,8,14,17, 22 22:5 23:2,17 24:12,15,17 25:1,5, 15 26:3 27:2 28:9 32:8,24 33:5,13,25 34:6,22 35:4,7,8,16 36:2,6,15 42:18 43:15,17 44:3 47:1,18 49:25 60:18 Snapshot' 23:10 24:4 softkey 25:12 35:14,16,24 36:3 sort 36:24 span 44:21 spans 10:19 60:11 speaking 18:9 39:25 55:4 60:19 specifically 17:13 19:10 22:10 speed 21:15 43:1,6,12 speedy 21:21 square 7:19,20,21 stand 28:22,24 30:8 31:4 standpoint 16:5 start 66:25 started 7:11 starting 61:23 62:10,12 state 2:9 11:4 40:15,16 60:24 65:21 stated 2:13 28:19 67:22 statement 17:13 states 22:17 34:18 38:4 46:6 51:20 54:2,22 58:2 63:2 64:17 stating 11:19 13:18 26:1 Ste 3:5,12 steps 20:18 22:18 23:3 25:20 26:2,4	stop 52:19 Street 3:5,11 subjects 45:4 submenu 10:24 11:21 12:1,12 14:9, 25 16:12,22 17:9,15 20:6,9 46:9,25 48:15 49:3,16,21,23 50:1,5 submenus 16:3,11 substantially 28:5,12 30:19 38:18 substitute 9:21 33:22 suggest 29:18 35:17 suggestions 45:13 summary 10:25 11:21 12:24 13:13 23:9,24 24:4 superfluous 9:14 superior 43:21 support 11:5 59:8 surface 62:3,24 63:18,25 switch 37:8 39:23 42:9 59:18 switches 38:21 sworn 2:5 5:5,8 synonymously 53:14 T takes 32:22 taking 11:14 talk 59:18 talking 11:8 66:15 tap 54:6,18 55:1,5,9,12 target 51:22,24 52:23 53:4,12,20 54:4,24 55:7,13 targets 53:18 tasks 17:18 teaches 17:16 46:7 teaching 11:18 12:9 16:2 teachings 10:12,21 11:14 12:22 13:11 techniques 28:8,13 telephone 36:17 terminate 9:23 terminating 25:25
--	---	---

terms 19:23 testified 5:8 testimony 13:15 28:22 29:10 30:6,8, 24 31:2,5,22 41:16 Texas 2:10 3:6,12 text 24:20 50:8 52:13 texts 19:10 THAYER 3:10 thayer.walmsley@nortonrosefulbright.com 3:13 thing 7:8 35:13 56:2 things 7:4 time 2:8 14:14 23:7 24:3,9,11 25:24 29:14 37:12 38:24 44:7 52:13 59:22 63:16 64:13 65:7,9 68:7 timeout 23:8 24:3 27:5,9,18 33:22 title 49:8 today 29:24 32:22 top 12:6 54:20 touch 27:23 28:3,10,17,21 37:10 38:23 54:7 55:1 61:4,5,25 62:2,13,15, 16,23 63:3,5,6,9,17,22,24 64:3,7,12, 14,18,21,24 65:2,5,8,23 66:2,18,19 67:2,6,17,20 68:20 touch-and-hold 18:13,14,18 20:24 38:5,10 39:1 touch-sensitive 62:24 63:18,25 touching 27:23 touchscreens 28:25 29:12,15 transitioning 13:17 treating 31:14 trigger 27:10 triggers 27:5 true 9:17 Tuesday 28:15 turn 8:21 21:23 45:17 turned 60:22 turning 7:9 two-part 34:11 35:6 typo 7:12	U ubiquitous 14:9,14 Uhm 40:1 understand 16:17 21:19 34:4,9,17 37:5 42:4 43:25 46:23 49:5 51:9 53:16,20 69:16 understanding 21:18 47:11 69:1 understands 16:25 understood 29:14 53:24 upper 52:4,22 55:10 usability 16:5,9,25 user 11:1 12:13 14:10 15:2 16:4,13, 17,22 17:6,17 20:7 21:10 22:4,17 23:3 25:19 33:23 34:11,18 37:1 41:2, 22 42:17 43:9,16,21,22 46:9,10 47:6, 7,22,23 48:1 49:12 51:21 54:5,18 56:19 58:25 61:14 66:19 67:2,24 68:10,22,23 69:10,12 user's 61:4 users 15:8 V V1.b.2 15:15,17 variety 28:8 vary 30:18 version 41:12 vertical 36:21 37:9 view 6:17 viewer 6:14 virtual 38:25 visited 18:1 voice 25:11 33:13,20,24 34:5 35:11 W WALMSLEY 3:10 wanted 13:3 ways 25:14 33:17 well-known 48:3 window 6:15,19 10:25 11:22 23:9,24 24:4 52:12	withdraw 66:13 67:11 word 40:17 61:23 worded 31:23 words 26:8 40:23 41:20 work 49:10 wrong 27:15 56:24 57:1 X x'ed 9:15 Y years 9:12,20 yielded 20:13 yields 21:14 43:5 Z Zoom 2:11 3:18 6:15,16,24,25
---	--	--