

Page 1

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

_____)

APPLE INC.,

Petitioner,

v.

IPR2024-01088

SMITH INTERFACE

Patent No.

TECHNOLOGIES, LLC,

10,656,758

Patent Owner.

_____)

DEPOSITION OF VIJAY K. MADISETTI, PH.D.

July 22, 2025

10:02 a.m. Eastern Time

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

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1 REMOTE DEPOSITION of
2 VIJAY K. MADISETTI, PH.D.,
3 in the above-titled action, held on Tuesday,
4 July 22, 2025, commencing at approximately 10:02
5 a.m. before Lori J. Goodin, RPR, CRR, RSA,
6 California CSR #13959, Registered Professional
7 Reporter, Certified Realtime Reporter, Realtime
8 Systems, Administrator, and Certified Shorthand
9 Reporter, and Notary Public of the State of
10 Florida, State of California, State of Maryland,
11 District of Columbia, and State of Delaware.

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1 INDEX TO EXAMINATION

2 WITNESS: VIJAY K. MADISETTI, PH.D.

3

4 EXAMINATION BY

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5 MR. DARBY

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1 TUESDAY, JULY 22, 2025, 10:02 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 MR. DARBY: For the record, this
16 deposition is addressing the inter partes
17 review proceeding assigned to Case Number
18 IPR 2024-01088 regarding U.S. Patent
19 Number 10,656,758.

20 We will refer to the patent as
21 the '758 patent today.

22 This is Kenneth Darby speaking for

1 the petitioner and Apple and the witness is
2 Dr. Madisetti.

3 EXAMINATION

4 BY MR. DARBY:

5 Q. Dr. Madisetti, before we get going,
6 I know you have been through this before. But I
7 will cover a series of ground rules just as a
8 reminder on the preliminaries for today's
9 deposition, okay?

10 A. Sounds good.

11 Q. Okay. Because this is a remote
12 deposition, we are using video conferencing
13 equipment and there is going to be a slight delay
14 in our communications.

15 So, let's just both speak very
16 slowly and be extra careful not to interrupt or
17 talk over one another.

18 Is that fair?

19 A. Yes.

20 Q. Okay. If I ask a question today and
21 you don't understand it, please ask me to
22 rephrase or clarify my question, okay?

1 A. I will.

2 Q. And I will assume you understand my
3 question if you answer it.

4 Is that fair?

5 A. Yes.

6 Q. Okay. Even though we are remote,
7 you understand that you are under oath and you
8 are providing testimony just like you would in
9 front of a judge or a jury, correct?

10 A. Yes.

11 Q. Okay. And please remember that you
12 remain under oath for as long as this
13 cross-examination persists, so that is even
14 during breaks, okay?

15 A. Yes.

16 Q. Is there a reason that you can not
17 give true and accurate testimony today?

18 A. No.

19 Q. So, for breaks, we will try to break
20 about once hour. If you need a break before
21 then, just let me know, okay?

22 A. Okay.

1 Q. All right. And the only rule with
2 breaks is that if there is a question pending, I
3 will ask that you answer the pending question
4 before we go on a break.

5 Is that fair?

6 A. Okay.

7 Q. Whenever we come back from a break,
8 I will ask if you had any discussions with
9 anybody regarding the substance of your testimony
10 during the break.

11 Those types of conversations,
12 discussions, communications are prohibited, okay?

13 A. Okay.

14 Q. And please also do not consult any
15 notes or documents during the break.

16 Is that fair?

17 A. Okay.

18 Q. Okay. And will you do that?

19 A. Yes.

20 Q. All right. If at any point you are
21 having technical difficulties, just let us know.
22 If you can't hear me or you think I can't hear

1 you, let us know and we will pause and get those
2 worked out, okay?

3 A. Okay.

4 Q. Is there anyone in the room with you
5 today?

6 A. No.

7 Q. And you understand that you cannot
8 communicate with anyone verbally, nonverbally,
9 during the cross-examination, right?

10 A. That's right.

11 Q. And you are not communicating with
12 anybody now, via instant messenger, phone or
13 anything like that?

14 A. No.

15 Q. Do you have any programs running on
16 your computer right now?

17 A. No. Just Zoom and my PDF reader.

18 Q. Okay. I'm going to ask that you
19 shutdown any programs that are not Zoom for now.

20 A. Okay.

21 Q. If I send you a PDF, you can use the
22 PDF viewer, is that fair?

1 A. Okay.

2 Q. Okay. Do you have any papers or
3 notes with you today?

4 A. No, nothing.

5 Q. So, for the exhibits, and we have
6 done this before, I will send those to you using
7 the Zoom Chat feature and you can upload each
8 document when we get there and use your PDF
9 viewer to look at them. Okay?

10 A. Okay.

11 Q. Okay. I just put the first exhibit
12 for you in the Zoom Chat feature. It is
13 Exhibit 1001 in this case.

14 (Whereupon, previously marked
15 Exhibit 1001,
16 first referral.)

17 BY MR DARBY:

18 Let me know when you are able to
19 download that.

20 A. Yes, I have downloaded that.

21 Q. Okay. And do you recognize this
22 document as the '758 patent?

1 A. Yes, it is the U.S.

2 Patent 10,656,758.

3 Q. Okay. And were you aware of
4 the '758 patent before your engagement for this
5 proceeding?

6 A. I don't recall one way or the other.
7 I may have been. I may not.

8 Q. What makes you think that you may
9 have seen this document before your engagement in
10 this proceeding?

11 A. I looked at a lot of existing work
12 in this area. So, I don't recall if this was one
13 of them or not.

14 Q. To the best of your knowledge, when
15 did you first learn about the '758 patent?

16 A. In this case? In this case I was
17 provided that patent in earlier this year.

18 Q. Do you know when?

19 A. Sometime in February. Late
20 February.

21 Q. Is that when you were engaged by the
22 patent owner, Smith, to participate in this

1 proceeding?

2 A. Yes.

3 Q. Did you review the '758 patent in
4 preparation for today's deposition?

5 A. Yes.

6 Q. And are you prepared to answer
7 questions about it?

8 A. Yes, as discussed in my declaration.

9 Q. For the record, any questions I ask
10 you about the '758 patent during today's
11 deposition, I would like for you to answer from
12 the perspective of a person of ordinary skill in
13 the art.

14 Can you do that?

15 A. Yes. I can try.

16 Q. If I ask you a question and there is
17 some reason you cannot answer from the
18 perspective of a person of ordinary skill in the
19 art, will you tell me that?

20 A. Okay.

21 Q. So, if you don't say otherwise, I'm
22 going to assume that you are answering from the

1 perspective of a person of ordinary skill in the
2 art.

3 Is that fair?

4 A. Okay. But it will be good if you
5 can ask me a clear question as to what you are
6 asking.

7 Q. When preparing your declaration for
8 this proceeding, did you study the '758 patent in
9 detail?

10 A. Not in detail. But, briefly I went
11 through that.

12 Q. How many hours did you spend
13 studying the '758 patent when preparing your
14 declaration for the proceeding?

15 A. Oh, you mean declaration, I thought
16 you said deposition. Was your previous question
17 about declaration or deposition?

18 Q. Let me, let me re-ask the question,
19 thank you for pointing that out.

20 When preparing your declaration in
21 this proceeding, did you study the '758 patent in
22 detail?

1 A. Yes.

2 Q. And about how many hours did you
3 spend studying the '758 patent?

4 A. During the preparation of the
5 declaration?

6 Q. Yes.

7 A. Yeah, I think about, quite a few
8 hours. I don't remember the exact number. But
9 it would be more than ten.

10 Q. More than 20?

11 A. I think around ten.

12 Q. And what, in your view, is the '758
13 patent's invention?

14 A. The claims define the invention.
15 So, I would defer to the language of the claims
16 as a whole.

17 Q. Are you able to summarize your
18 understanding of Claim 1, for example?

19 A. So, Claim 1 of the '758 is referring
20 to a touch-sensitive surface that discusses a
21 number of limitations and a number of criteria
22 that are described in the claims.

1 The criteria evaluated in response
2 to a single-finger touch input and the plurality
3 of criteria are listed, I think there are four
4 criteria and they are listed in the claims. And
5 suitable actions or operations are performed as
6 described in the claims.

7 Q. Please turn to paragraph, the
8 paragraph that begins at Column 1, Line 5 and
9 extends to Line 26 of the '758 patent.

10 Let me know after you have taken a
11 minute to study that paragraph.

12 A. Column 1, you said?

13 Q. That's right. Column 1 Lines 5
14 through 26.

15 A. Okay.

16 Q. Do you agree that this section is
17 titled Cross-Reference to Related Applications?

18 A. Yes. That is what it states on the
19 face of Column 1.

20 Q. Okay. And in this section there is
21 a cross-referencing of all of the patents and
22 patent applications that are related to the '758

1 patent.

2 Would you agree with that?

3 A. Yes.

4 Q. Would you call these the family
5 members of the '758 patent?

6 A. Again, at a high level, yes. They
7 seem to be related to different provisionals and
8 related to each other.

9 Q. Are there any other family members
10 of the '758 patent that you are aware of?

11 A. I'm not sure of that answer. I'm
12 not aware of one way or the other.

13 Q. And did you review each of the
14 patents and patent applications that are listed
15 here in the Cross-Reference to Related
16 Applications section?

17 A. I believe I reviewed the '918
18 provisional and others not much, if at all.

19 Q. So, did you or did you not review
20 the others beyond the '918 provisional?

21 A. Very briefly.

22 Q. You very briefly reviewed all of the

1 others?

2 A. Very briefly, I think.

3 Q. You think or you did?

4 A. Again, I don't recall. I remember
5 the '918 and the specification.

6 Q. But you don't remember any of the
7 others?

8 A. As I said, I don't recall
9 specifically, any of the others.

10 Q. I'm a little confused. It sounded
11 like you said earlier that you reviewed them
12 briefly, but then it also sounds like you are
13 saying that you can't remember one way or the
14 other.

15 Can you reconcile that?

16 A. I think as part of the file history,
17 these would be included. But, as I said, I
18 remember the '918 and, because I refer to that in
19 my declaration.

20 For the others, I don't recall
21 specifically.

22 Q. By the file history, are you

1 referring to an exhibit in this proceeding?

2 A. Yes.

3 Q. And so are you saying that you
4 believe these applications are included in the
5 file history exhibit to this proceeding?

6 A. I don't recall, again, one way or
7 the other.

8 But as I said, I remember the '918
9 and the specification of the '758.

10 Those are the ones I relied upon.

11 Q. So, you didn't rely upon any of the
12 others here in this Cross-Reference of Related
13 Applications section?

14 A. I don't think I relied on the others
15 in my declaration.

16 Q. And you don't remember if you
17 reviewed them?

18 A. As I said, I don't recall one way or
19 the other.

20 Q. So you don't know one way or the
21 other if the other applications and patents
22 mentioned in this section might contain

1 statements that undercut your analysis in this
2 proceeding. Is that accurate?

3 A. As I said, I don't have an opinion
4 on the other documents that are not referred to
5 in my declaration.

6 If asked and allowed, I may opine in
7 future. But at this point, I'm not offering an
8 opinion beyond my declaration.

9 Q. Okay. Let's move on to the next
10 section.

11 Can you take a look at the material
12 that begins at Column 1, Line 42 and extends to
13 Column 3, Line 33.

14 Let me know when you are done with
15 that.

16 A. Column 1, Line 42?

17 Q. That's right. Through to Column 3,
18 Line 33.

19 A. Okay.

20 Q. And do you agree that this section
21 is titled Brief Summary?

22 A. Yes.

1 Q. And did you review this brief
2 summary of the '758 patent?

3 A. Yes.

4 Q. Did you look at it closely?

5 A. When I was writing the declaration.

6 Q. And did you compare the language in
7 the brief summary to the claims of the '758
8 patent when you were preparing your declaration?

9 A. I don't think I looked at it that
10 way. I was looking at it more from a brief
11 summary of the specification.

12 The claims, in other words the
13 claims speak for themselves. I don't say that
14 these are the claims.

15 Q. Did the reading of this brief
16 summary inform your understanding of the claims?

17 A. I reviewed the claims in light of
18 the entire specification. And all of the other
19 documents I relied upon.

20 So, this would be a portion of the
21 specification.

22 Q. Do you know if there are any

1 discrepancies between the verbiage of the brief
2 summary and the verbiage of the claims in
3 the '758 patent?

4 A. I don't have an opinion on that
5 issue. I think the claims speak for themselves.

6 Q. So you didn't look for any
7 discrepancies or differences between the verbiage
8 of the brief summary and the verbiage of the
9 claims of the '758 patent?

10 A. That is not something I did. I was
11 looking at the claims themselves as issued.

12 Q. Would you agree that verbiage
13 differences are important when interpreting
14 the '758 patent's claims?

15 MR. LEVENTHAL: Form.

16 THE WITNESS: As I said, counsel.

17 It depends on what you are looking for and it
18 may or may not. There is no general answer.

19 BY MR. DARBY:

20 Q. I want you to focus in at Column 1,
21 Line 59.

22 A. Column 1, Line 59.

1 Q. There is a clause that begins --

2 A. One second, counsel. Let -- once I
3 get to that page I can -- what is the PDF of
4 Column 1? Because I am --

5 Q. 41.

6 A. 41, okay. Then I can -- okay. 41.
7 Okay. I am on PDF 41, Column 1.

8 Q. Column 1 of the '758 patent,
9 Line 59.

10 A. Okay.

11 Q. There is a clause towards the end of
12 that line that begins in response to. Do you see
13 that?

14 A. Yes, in Line 59 of the '758.

15 Q. Right. Okay. And I want you to
16 focus on the text that extends all of the way
17 down to Line 66 and it ends with
18 "quick-action-display criteria."

19 Do you see that?

20 A. Yes.

21 Q. Okay.

22 A. On 66, on Line 66.

1 Q. That's correct. Okay. I would like
2 you to read this section out loud for the record.
3 This is at Column 1, Line 59 to Line 66 of
4 the '758 patent, please.

5 A. Okay. I am reading out Column 1
6 Lines 59 through 66. It says here that -- "And
7 in response to detecting the first single-finger
8 touch input, determining a response to the first
9 single-finger touch input based on evaluating the
10 first single-finger touch input against at least
11 one of the plurality of criteria, including
12 evaluating a duration of the first single-finger
13 touch input against at least one of: one or more
14 application-launch criteria, or one or more
15 quick-action-display criteria, for, in accordance
16 with a determination."

17 Q. Okay. And do you see where it says
18 at least one of a plurality of criteria?

19 A. In Line Number 62 it says that based
20 on evaluating the first single-finger touch input
21 against at least one of a plurality of criteria
22 on Line Number 64, I believe -- 61 -- 63.

1 Q. And what are the plurality of
2 criteria here?

3 A. I mean, I don't have an opinion on
4 this paragraph, counsel. The specification
5 speaks for itself.

6 I have not analyzed this particular
7 paragraph in my declaration.

8 I can just defer to the language.

9 Q. Okay. Please defer to the language.
10 What are the plurality of criteria?

11 A. If you are referring to the
12 plurality of criteria as referred to in Column 1,
13 Line Number 66, it says including that the
14 criteria including, evaluation, "evaluating a
15 duration of the first single-finger touch input
16 against at least one of, one or more
17 application-launch criteria or one or more
18 quick-action-display criteria for in accordance
19 with the determination that the first
20 single-finger touch input meets one --"

21 So, it goes on into Column 2 into
22 application-launch criteria and

1 quick-action-display criteria, and so on.

2 So, these different embodiments are
3 discussed in Column 1, Lines 60 through 66.

4 Q. Would you agree that the
5 application-launch criteria is one of the
6 plurality of criteria?

7 A. One of the plurality of criteria of
8 what?

9 Q. When this passage refers to a
10 plurality of criteria, do you agree that one of
11 those plurality of criteria includes the
12 application-launch criteria?

13 A. If you are referring to Line
14 Number 66, 65, 66, it says one of the, one of a
15 plurality of criteria including evaluating a
16 duration of the first single-finger touch input
17 against at least one of one or more
18 application-launch criteria or one or more
19 quick-action-display criteria.

20 So, it discusses here and calls
21 these application launch and quick action display
22 as criteria in Lines 65 and 66.

1 But I didn't analyze this entire
2 paragraph before.

3 Q. And what is your understanding of at
4 least one of a plurality of criteria.

5 Do you understand that to require
6 one or more criteria or multiple criteria?

7 MR. LEVENTHAL: Form.

8 THE WITNESS: I don't have an
9 opinion on this particular section. I don't
10 know what it is referring to here. This is
11 not something I have analyzed.

12 BY MR. DARBY:

13 Q. But you read it before, correct?

14 A. At some point, yes. But, I have not
15 analyzed it or commented on it or opined on it in
16 my declaration.

17 Q. Are you able to understand what it
18 says?

19 A. Not -- as I said, I don't have an
20 opinion on this section. I can't do it on the
21 fly.

22 Q. You can't understand what it says on

1 the fly?

2 A. As I said, this is not an opinion
3 that I provided in my declaration and I didn't
4 refer to this particular sentence, I believe.

5 I would just defer to the language
6 in the claims. Sorry, defer to the language in
7 the specification as saying what it does.

8 I don't have a separate and distinct
9 commentary on that.

10 Q. When you read this section of
11 the '758 patent for the first time, did you
12 understand what it meant?

13 A. I don't -- I mean, as I said, I have
14 reviewed the specification and that is all I did.
15 I didn't analyze it, I didn't try to fully look
16 at it from a detailed description point of view
17 other than what it disclosed.

18 Q. So, if you didn't understand
19 something, you just kept on moving?

20 A. I didn't say I didn't understand. I
21 just looked through it and continued my analysis.

22 But, I did not analyze or provide an

1 opinion on this particular set of lines.

2 Q. But you do understand this passage,
3 correct? The passage that is at Line 59 through
4 Line 66 of Column 1?

5 A. Again, as I said, these are
6 different descriptions of different nonlimiting
7 embodiments.

8 So, I don't -- I have reviewed them
9 as such. I didn't provide a detailed analysis so
10 I don't recall any details as to these sections
11 and what they say and what they do not.

12 And certainly I didn't provide an
13 opinion on this in my declaration.

14 Q. And you are not willing to say how
15 you understand the language sitting here today?

16 A. Other than the --

17 MR. LEVENTHAL: Form --

18 THE WITNESS: -- other than how it
19 is disclosed in this specification is not
20 something I have commented on or provided an
21 opinion on.

22 I mean, do I have a copy of my

1 declaration, counsel? I can check if I
2 commented on this section.

3 BY MR. DARBY:

4 Q. Sure, I am happy to send that to
5 you.

6 (Whereupon, previously marked
7 Exhibit 2005,
8 first referral.)

9 BY MR. DARBY:

10 Q. Okay. I have just sent you a copy
11 of Exhibit 2005 in this proceeding.

12 Let me know when you have that.

13 A. Okay. Okay. I have opened it.

14 Q. Okay. Feel free to take all of the
15 time you need to review this document.

16 A. I don't believe I referred to this
17 Column, line numbers in my specification -- in my
18 declaration.

19 I can't seem to find it.

20 Q. So, does that mean you didn't
21 analyze it?

22 A. No, as I said, I didn't provide an

1 opinion on it at this point.

2 Q. Okay. Let's move on. Turning back
3 to the '758 patent.

4 Please turn to Column 13, Line 4 --

5 A. One second. Column 13. Okay. I am
6 on Column 13.

7 Q. Okay. Please review Column 13,
8 Line 4 through Column 14, Line 41?

9 A. Okay.

10 Q. Do you agree that this section is
11 titled Terminology?

12 A. In Column 13 of the '758 in Line
13 Number 4 it calls it the terminology.

14 Q. Did you review this Terminology
15 section of the '758 patent when you prepared your
16 declaration?

17 A. Yes.

18 Q. Did you look at it closely?

19 A. I reviewed it.

20 Q. Do you understand what it says?

21 A. I mean, I have discussed -- it
22 describes a certain terminology for certain

1 embodiments that do not intend to be limiting.

2 Q. Beyond the claims, is there any
3 aspect of the '758 patent specification that you
4 do believe to be limiting, on the claims?

5 A. That is not an opinion I offered,
6 counsel.

7 I have analyzed the claims in my
8 declaration.

9 Q. Did you rely on any aspect of the
10 Terminology section? Again, that is Column 13,
11 Line 4 to Column 14, Line 41.

12 Did you rely on any portion of that
13 section to inform your understanding of the '758
14 patent's claims?

15 A. I mean if it is referenced in my
16 declaration, I may have.

17 But, I don't recall specifically
18 what I -- whether I referenced this particular
19 column.

20 Q. So, if you didn't reference it in
21 your declaration, does that mean you didn't rely
22 on it?

1 A. I reviewed the specification as I
2 said earlier and I reviewed the claims and so
3 this is part of the material I reviewed.

4 So, I am not sure what specifically
5 you are asking. These are examples on or--
6 particular embodiments as the plain description
7 in Column 3, on Column 13, Lines 5 through 8
8 itself says that these are not intended to be
9 limiting.

10 Q. Okay. Please turn to Column 16,
11 Lines 17 through 21.

12 A. Column 16, Lines 17 through 21.

13 Q. And do you agree that this is --
14 apologies, let me know when you are there.

15 A. Yeah, I am there, okay.

16 Q. Okay. And we are looking at
17 Column 16, Lines 17 through 21, correct?

18 A. That's right.

19 Q. And do you agree that this is
20 referencing an embodiment that is shown in
21 Figure 3 of the '758 patent?

22 A. It describes here that Figure 3

1 shows a method, 300, in accordance with one
2 embodiment and as an option then the third may be
3 implemented dot dot dot.

4 So, that is what it is saying here
5 in Column 16, Lines 16 through 20.

6 Q. And is this another nonlimiting
7 embodiment of the '758 patent?

8 A. It seems to be a figure that is in
9 accordance with a certain embodiment.

10 So, beyond that, I am not sure.

11 It says a "method may be implemented
12 in the context of the architecture and the
13 environment of any subsequent figures. Of
14 course, however, the method may be implemented in
15 any desired environments."

16 So, beyond that I don't have a
17 specific comment on this section.

18 Q. I want you to take a look at
19 Figure 3.

20 A. Figure 3. One second. Okay.

21 Q. Do you understand Figure 3 and its
22 associated disclosure in the '758 patent to

1 describe any features or elements of the '758
2 patent's claims?

3 MR. LEVENTHAL: Form.

4 THE WITNESS: Figure 3 is a
5 description of receiving a signal and
6 altering a user experience, utilizing the
7 signal.

8 So, it seems very high level
9 description of something. But, I have not,
10 as I have said, I focused only on the
11 language of the claims in my analysis.

12 BY MR. DARBY:

13 Q. So, you don't have an opinion as to
14 whether Figure 3 in its associated disclosure in
15 the '758 patent describes any features or
16 elements of the '758 patent's claims?

17 A. I don't have, at this point.

18 Q. Do you see any disclosure in
19 Column 16 of the '758 patent that you believe
20 limits or describes any features or elements of
21 the '758 patent's claims?

22 MR. LEVENTHAL: Form.

1 THE WITNESS: I don't have an
2 opinion on that, counsel. I don't -- that is
3 not an opinion that I have offered as a part
4 of my declaration.

5 So, I don't have an opinion on that
6 one way or the other.

7 BY MR. DARBY:

8 Q. Okay. Please turn to Column 17,
9 Lines 56 through 64.

10 Let me know when you are there.

11 A. Column 17?

12 Q. That's right.

13 A. Lines 56, okay, through 74.

14 Q. 64. Apologies.

15 A. 64, I see. Okay. I am looking at
16 56 through 64. It references a Figure 4 in
17 accordance with one embodiment.

18 Q. And do you understand Figure 4 to
19 disclose one or more features or elements of
20 the '758 patent's claims?

21 MR. LEVENTHAL: Form.

22 THE WITNESS: Figure 4-- let me go

1 to Figure 4.

2 So, Figure 4 is shown on PDF
3 Page 19. It describes some sort of flow
4 chart. But, I don't have a specific opinion
5 on Figure 4 in context of the claims.

6 The specification discloses what it
7 discloses.

8 BY MR. DARBY:

9 Q. So you don't have an opinion as to
10 whether Figure 4 and its associated disclosure in
11 the '758 patent describes any features or
12 elements of the '758 patent's claims?

13 A. As a part of the disclosure, as part
14 of my declaration, as a part of my declaration I
15 don't have an opinion on that.

16 I just agreed that it is disclosed
17 in the specification, as an embodiment.

18 Q. Do you see any disclosure in
19 Columns 17 or 18 of the '758 patent that you
20 believe describes or limits the scope of the '758
21 patent's claims?

22 A. I don't have an opinion on that

1 issue, counsel.

2 Q. Okay, please turn --

3 A. As a part of my declaration, I don't
4 have any opinion on that.

5 Q. Okay. Can you please turn to
6 Column 28, Lines 12 through 19 of the '758
7 patent?

8 A. Column 28, Lines 17, you say?

9 Q. Column 28, Lines 12 through 19.

10 A. Okay. Column 28, 12 through 19,
11 references a Figure 5 in accordance with one
12 embodiment.

13 Q. And do you understand Figure 5 to
14 disclose one or more features or elements of
15 the '758 patent's claims?

16 A. As I said --

17 MR. LEVENTHAL: Form.

18 THE WITNESS: As I discussed it
19 earlier, I mean these are different, these
20 are disclosed in the specification as
21 different embodiments.

22 I don't have a specific opinion with

1 respect to whether they limit the claims or
2 not, as a part of my declaration.

3 BY MR. DARBY:

4 Q. What about whether Figure 5
5 describes any features or elements in the '758
6 patent's claims?

7 A. I don't have an opinion on that,
8 counsel.

9 Q. Do you see any disclosure in
10 Column 28 or 29 of the '758 patent that you
11 believe limits the scope of the claims?

12 A. Again, there seems to be some
13 description of different figures, different
14 embodiments. I don't have a specific opinion on
15 these sections, counsel.

16 Q. Okay. Can you turn to Column 32,
17 Lines 33 through 40.

18 A. Column 32, Lines 33 to 40. You said
19 33?

20 Q. That's right.

21 A. Is that the one that says, "In
22 another embodiment the bounding boxes may be

1 handled at a lower level by the operating
2 system"?

3 Is that what you are asking about?

4 Q. We may have a communication error or
5 I may have given you the wrong citation, let me
6 just check that.

7 A. Uh-huh.

8 Q. Yes, I gave you the wrong column and
9 number. Let me try that again.

10 A. Uh-huh. Uh-huh.

11 Q. If you could turn to Column 28,
12 Lines 33 through 40?

13 A. Okay. Column 28, Lines 33 to 40.
14 Yes, that seems to refer to Figure 6 which is
15 Method 600 in accordance with the one embodiment.

16 So, it seems to be referring to a
17 particular method with respect to certain
18 embodiments.

19 Q. Okay. And same question. Do you
20 understand Figure 6 to disclose one or more
21 features or elements of the '758 patent's claims?

22 A. As I said, the disclosure of the

1 specification has this section. But, I don't
2 have an opinion with respect to how this figure
3 limits or does not limit the claims. I don't
4 have such an opinion at this point.

5 Q. So, you don't have an opinion as to
6 whether Figure 6 and the associated disclosure in
7 the '758 patent describes or limits any features
8 or elements of the '758 patent's claims?

9 A. I don't have an opinion on that as a
10 part of my declaration, counsel.

11 Q. Do you see any disclosure in
12 Column 32 that you believe limits the scope --
13 excuse me, strike that.

14 Do you see any disclosure in
15 Column 28 that you believe limits the scope of
16 the '758 patent's claims?

17 A. I don't have an opinion on that as a
18 part of my declaration, sitting here today.

19 Q. Okay. Please turn to Column 45,
20 Lines 58 through 65.

21 A. Okay. Column 45, Lines 58
22 through 65. Okay. You were referencing here in

1 the specification where it is referring to
2 Figure 10, which is again talking about in
3 various embodiments, the interfaces of Figure 10.

4 Is that the section?

5 Q. No, I'm looking a little bit further
6 down. Column 45, Line 58.

7 A. Okay. So, it is referring to
8 Figure 11 then, according to Figure 11 shows the
9 user interface in accordance with one embodiment.

10 Q. And do you understand Figure 11 and
11 its associated disclosure in the '758 patent to
12 describe any features or elements in the '758
13 patent's claims?

14 MR. LEVENTHAL: Form.

15 THE WITNESS: It is a portion of the
16 specification. I don't -- I would say that I
17 discuss, I believe I discussed the term "user
18 interface" at some point in my declaration.

19 But, that discussion is part of my
20 declaration. But, I don't believe I
21 reference, I reference Figure 11 in any
22 discussion of limiting the claims.

1 BY MR. DARBY:

2 Q. Do you see any disclosure in
3 Column 45 or Column 46 of the '758 patent that
4 you believe limits the scope of the '758 patent's
5 claims?

6 A. Could you please repeat the number
7 again? Column?

8 Q. I will just repeat the question.
9 Do you see any disclosure in
10 Column 45 or Column 46 of the '758 patent that
11 you believe limits the scope of the '758 patent's
12 claims?

13 A. Are you referring to any portion of
14 my declaration?

15 Q. I am referring to Column 45 and
16 Column 46 of the '758 patent.

17 A. Uh-huh. I don't believe I have a
18 specific opinion on these columns in my
19 declaration.

20 Q. Okay. Can you turn to 54 -- excuse
21 me, Column 54, Line 61.

22 A. Column 54. 61. Okay.

1 Counsel, can we take a two-minute
2 break? I think there is a FedEx guy at the door
3 here.

4 MR. DARBY: Yes, let's go off the
5 record.

6 (Recess taken -- 10:54 a.m.)

7 (After recess -- 11:30 a.m.)

8 BY MR. DARBY:

9 Q. Okay, Dr. Madisetti, welcome back.

10 Just to confirm, did you speak with
11 anybody about the substance of your testimony
12 during the break?

13 A. I didn't speak to anybody at all.

14 Q. Did you consult any notes or
15 documents during the break?

16 A. No.

17 Q. Okay. Please turn to Column 54 of
18 the '758 patent.

19 A. Okay.

20 Q. And I would like you to focus on
21 Line 61.

22 A. Okay.

1 Q. And do you see the disclosure
2 starting at Line 61 of Column 54 and extending
3 down through Column 55 and 56? That is talking
4 about Figure 16.

5 A. Yes.

6 Q. And do you understand Figure 16 and
7 its associated disclosure to describe any
8 features or elements of the '758 patent's claims?

9 A. It is described here as 1 of 1
10 embodiment. Figure 16 is described as one
11 embodiment and I don't have a specific opinion
12 with respect to whether it limits or does not
13 limit the claims at this point.

14 Q. What about whether it describes any
15 features or elements in the claims?

16 MR. LEVENTHAL: Form.

17 THE WITNESS: It describes, again,
18 it is just describing what it describes. It
19 talks about some sort of embodiments using
20 touch-sensitive display.

21 But, I don't have a specific opinion
22 as to how it links to specific claims, at

1 this point.

2 BY MR. DARBY:

3 Q. Do you see any disclosures in
4 Columns 54 or 55 or 56 of the '758 patent that
5 limit the scope of the '758 patent's claims?

6 MR. LEVENTHAL: Form.

7 THE WITNESS: As I said counsel, I
8 don't have a specific opinion on that issue
9 as a part of my declaration.

10 It describes here that it is an
11 embodiment of some kind but beyond that I
12 would let the disclosure speak for itself.

13 BY MR. DARBY:

14 Q. Okay. Can you turn to Column 63 of
15 the '758 patent?

16 A. Okay.

17 Q. And, do you see the disclosure that
18 starts at Line 35 of Column 63 and extends
19 through Lines 64 and on, referencing a Figure 20?

20 A. Yes.

21 Q. And do you understand Figure 20 and
22 its associated disclosure to describe any

1 features or elements of the '758 patent's claims?

2 MR. LEVENTHAL: Form.

3 THE WITNESS: Figure 20 again seems
4 to be an exemplary multi-touch pressure
5 gesture in accordance with one embodiment.

6 So, it discloses what it does.

7 I don't have, I believe, a specific
8 opinion on this, on this column. With
9 respect to -- on 63 or 64 with respect to the
10 claims.

11 I mean the claims speak for
12 themselves.

13 BY MR. DARBY:

14 Q. And so do you see any disclosure in
15 Column 63 or 64 that limits the scope of the '758
16 patent's claims?

17 MR. LEVENTHAL: Form.

18 THE WITNESS: I don't have a
19 specific opinion on that issue as a part of
20 my declaration.

21 As I described, it seems to be
22 disclosing this as an embodiment, a

1 multi-touch embodiment.

2 But, beyond that, I don't have any
3 other opinions as to whether it limits or
4 does not limit the claims.

5 The claims speak for themselves.

6 BY MR. DARBY:

7 Q. And do you think those columns
8 describe anything in the claims?

9 MR. LEVENTHAL: Form.

10 THE WITNESS: I don't, I don't have
11 a specific opinion on that issue at this
12 point, counsel.

13 BY MR. DARBY:

14 Q. Okay. Can you turn to Column 64,
15 Line 58 of the '758 patent?

16 A. 64. Okay.

17 Q. All right. This is a longer section
18 so I want you to take a minute to review.

19 But, this discussion continues from
20 Line 64 of column -- excuse me, this section
21 continues from Line 58 of Column 64 and goes all
22 of the way through Columns 65 and 66 and 67 and

1 68 and 69.

2 So, can you just take a few minutes
3 to refresh yourself on those sections.

4 A. Okay. I have reviewed these
5 sections.

6 Q. And do you see anything in these
7 columns that describes any features or elements
8 of the '758 patent's claims?

9 MR. LEVENTHAL: Form.

10 THE WITNESS: Again, as before, I
11 mean this is a Figure 21 that describes some
12 exemplary multi-touch gestures in accordance
13 to certain embodiments.

14 But, the claims speak for
15 themselves. They have their own description.
16 I have not linked these, Figure 21 to the
17 claims in any way as a part of my
18 declaration. So I don't have a specific
19 opinion on that issue.

20 BY MR. DARBY:

21 Q. What about the associated disclosure
22 in Column 64 through 69?

1 MR. LEVENTHAL: Form.

2 THE WITNESS: As I said, those
3 describe other embodiments. I don't have a
4 specific opinion on these embodiments unless
5 you can point to something in my declaration.

6 The claims speak for themselves. I
7 don't wish to limit the claims in any manner
8 at this point using -- I don't use these
9 paragraphs and these columns to limit the
10 claims at this point, one way or the other.

11 BY MR. DARBY:

12 Q. What do you mean by at this point?

13 A. As a part of my declaration, my
14 opinions are complete as far as my declaration.

15 If asked and allowed I may offer
16 additional opinions in future on all of these
17 issues.

18 But, as far as my declaration
19 sitting here today, I did not offer specific
20 opinions.

21 Q. Okay. Moving on, can you turn to
22 Column 69, Line 54.

1 A. Okay. I am at Line 54.

2 Q. Okay. This is another longer
3 section. So, I want you to look at this
4 disclosure starting at Column 9[sic], Line 54 of
5 Figure 22 and that extends all of the way down
6 through Column 73. So, just take a moment as
7 much time as you need to refresh yourself on
8 that.

9 A. Yes, I have reviewed these sections.

10 Q. Okay. And do you understand
11 Figure 22 and its associated disclosure from
12 Column 69 through Column 73 to describe any
13 features or elements of the '758 patent's claims?

14 MR. LEVENTHAL: Form.

15 THE WITNESS: This is again
16 describing column -- Figure 22 as a 3D
17 layered user interface in accordance with one
18 embodiment.

19 So, beyond the disclosures of
20 Figure 22, I don't have any specific opinions
21 on this section and how it may link to the
22 claims at this point.

1 My declaration contains all of my
2 opinions.

3 BY MR. DARBY:

4 Q. But you don't have an opinion as to
5 whether Figure 22 and its associated disclosure
6 in the '758 patent describes any features or
7 elements of the '758 patent's claims?

8 MR. LEVENTHAL: Form.

9 THE WITNESS: As of writing, as of
10 the time of writing my declaration I didn't
11 offer such opinions.

12 So, I don't have any opinions
13 sitting here today.

14 But, if asked and allowed I may
15 offer opinions in the future. But as of
16 today, I don't have a specific opinion one
17 way or the other, counsel.

18 BY MR. DARBY:

19 Q. Okay.

20 A. And that goes to all of your
21 questions regarding different portions of the
22 specification.

1 Q. Okay. Can you turn to Column 73 and
2 let me know when you are there.

3 A. Okay.

4 Q. And this is a longer section that
5 begins at Column 73, Line 31. And it is
6 discussing Figure 23 moving down through
7 Column 75.

8 Take as much time as you need to
9 review and refresh yourself on that section.

10 A. Yes, I have reviewed this section.

11 Q. You understand Figure 23 and its
12 associated disclosure at Columns 73, 74, and 75,
13 to describe any features or elements of the '758
14 patent's claims?

15 MR. LEVENTHAL: Form.

16 THE WITNESS: Regarding Figure 23, I
17 describe some embodiments from Figure 3.

18 For example, in my declaration --
19 Figure 23, in my declaration in Paragraph 31,
20 for example.

21 So, similarly with Figure 24 in
22 Paragraph 32.

1 So, beyond these descriptions there,
2 I don't have anything additional, any other
3 additional opinions on these columns as such.

4 BY MR. DARBY:

5 Q. Okay. Let's look at Figure 23.
6 What aspect of the '758 patent's claims do you
7 believe are disclosed in Figure 3 -- excuse me,
8 Figure 23 and its associated disclosure?

9 MR. LEVENTHAL: Form.

10 THE WITNESS: I don't have an
11 opinion with respect to how Figure 23 or 24
12 discloses or limits certain aspects of the
13 claims. The claims speak for themselves.

14 I was just commenting on Figure 23
15 and Figure 24 as I described in my
16 declaration in Paragraphs 31 and 32.

17 BY MR. DARBY:

18 Q. But you don't believe these
19 Figures, 23 and 24, and their corresponding
20 disclosures in the specification limit the claims
21 of the '758 patent?

22 MR. LEVENTHAL: Form.

1 THE WITNESS: I don't have a
2 specific opinion on that issue beyond what is
3 in my declaration.

4 So, I don't offer a specific opinion
5 as to whether they limit or they did not
6 limit the claims that are asserted or
7 challenged at the time of writing of my
8 declaration.

9 BY MR. DARBY:

10 Q. Does your declaration contain an
11 opinion as to whether Figures 23 and 24 and the
12 associated disclosure in the specification limits
13 the '758 patent's claims?

14 MR. LEVENTHAL: Form.

15 THE WITNESS: My declaration speaks
16 for itself. I was just discussing these
17 figures as a general overview in the context
18 of the general overview of the '758 patent
19 and Section 7 of my declaration.

20 So, these form part of the
21 background of the materials that I provide as
22 background materials for my declaration.

1 I don't provide a specific opinion
2 to the best of my knowledge as to whether it
3 is Figures 23 or Figures 24, specifically
4 limit the claims one way or the other at the
5 time of writing of my declaration.

6 BY MR. DARBY:

7 Q. Do these figures and their
8 associated disclosures in the specification
9 describe any features of the '758 patent's
10 claims, in your view?

11 MR. LEVENTHAL: Form.

12 THE WITNESS: I think the claims
13 speak for themselves. I don't wish to offer
14 an opinion on that issue.

15 I have not offered a specific
16 opinion on Figures 23 and 24 with respect to
17 the claim language at the time of writing of
18 my declaration.

19 So, I don't have an opinion on that
20 specification.

21 BY MR. DARBY:

22 Q. Just to be clear, are you saying

1 that you do not have an opinion regarding whether
2 Figures 23 and 24 in the corresponding disclosure
3 in Columns 73 through 75 of the specification of
4 the '758 patent and how those sections relate to
5 the claim language?

6 MR. LEVENTHAL: Form.

7 THE WITNESS: As I described
8 earlier, Figures 23 and 24 are referenced in
9 my declaration with respect to background and
10 background of the '758 patent.

11 And, I don't believe I used these
12 figures to provide an analysis of how these
13 figures limit the scope of the claims at the
14 time of writing of my declaration.

15 So, I don't have an opinion on that
16 particular issue sitting here today.

17 BY MR. DARBY:

18 Q. So, you discuss these figures and
19 their corresponding descriptions in the
20 specification.

21 But you don't express an opinion in
22 your declaration as to whether they describe or

1 limit the claims in any way.

2 Is that what you are saying?

3 A. At a high level, as I described
4 earlier, I provide these figures as providing
5 certain background material on the '758 patent.

6 I don't provide a specific analysis.
7 I believe that links these Figures to any
8 discussion that may or may not limit the scope of
9 the claims.

10 So, at the time of writing, I don't
11 provide such an analysis one way or the other.

12 Q. Is it your opinion that Figure 23
13 shows a pattern-based gesture?

14 MR. LEVENTHAL: Form.

15 THE WITNESS: These are, Figures 23
16 and 24 are examples of various nonlimiting
17 embodiments of the '758 patent.

18 So, I am, as I described, Figures 23
19 and 24 describe certain background material
20 with respect to decision trees that may be --
21 that may describe certain nonlimiting
22 embodiments.

1 BY MR. DARBY:

2 Q. Do you see Column 73, Line 31 of
3 the '758 patent where it says "Figure 23 shows an
4 exemplary pattern-based gesture"?

5 A. You are reading from Line 31 in
6 Column 73.

7 So, it describes it as an exemplary
8 pattern-based gesture in accordance with one
9 embodiment.

10 Q. Is it your view that the claims
11 require a pattern-based gesture?

12 A. The claims speak what they say, so I
13 don't wish to substitute the language of the
14 claims in any way.

15 Q. Do you have an opinion on whether or
16 not the claims require a pattern-based gesture?

17 A. As I said counsel, the claims
18 describe, in their own language, what the claims
19 are. I don't have a specific opinion that
20 substitutes a new set of language on the claims.

21 So, I would defer to the language of
22 the claims as issued and what they mean to one of

1 ordinary skill in the art.

2 Q. What do you mean by substitute a new
3 set of language into the claims?

4 A. As I said, the claims describe what
5 they cover, as issued. I don't wish to change
6 the language of the claims in any way.

7 So, one of ordinary skill in the art
8 would read the disclosure and understand what the
9 claims cover.

10 So, I don't wish to change the
11 language.

12 Q. So, if the claims don't say a
13 pattern-based gesture, they don't require a
14 pattern-based gesture?

15 A. That is not what I said. I said
16 that the claims disclose the claims limitations
17 using a certain language.

18 I am comfortable with the language
19 as issued. I don't wish to change that.

20 Q. Would it change the language of the
21 claims to interpret them as requiring a
22 pattern-based gesture?

1 A. I don't have an opinion on that
2 particular issue. That is not something I was
3 asked to look at.

4 Q. Does Figure 23 show a multi-part
5 gesture?

6 A. Figure 23 is showing --
7 Figure 3[sic] -- one second. Yes, Figure 3 is an
8 exemplary pattern-based gesture in accordance
9 with one embodiment as described in Column 73,
10 Lines 30 to 32.

11 Q. I believe you said Figure 3.
12 Did you mean Figure 23?

13 A. Yes, Figure 23 shows an exemplary
14 pattern-based gesture in accordance with one
15 embodiment, as described, as described in
16 Column 73, Lines 30 to 32.

17 Q. And is Figure 23 showing a
18 multi-part gesture?

19 A. I would simply say that Figure 3 is
20 an exemplary pattern-based gesture in accordance
21 with one embodiment. Nothing more, at this
22 point.

1 Q. I believe you said Figure 3. Did
2 you mean Figure 23?

3 A. Figure 23. That is what I said.

4 Q. So, you would not say that Figure 23
5 shows a pattern -- strike that.

6 So you would not say that Figure 23
7 shows a multi-part gesture?

8 MR. LEVENTHAL: Form.

9 THE WITNESS: As I said, I mean that
10 is not a comment that I have made in my
11 declaration. I have said that Figure 23 is
12 consistent with the specification, is an
13 exemplary pattern-based gesture in one
14 embodiment.

15 BY MR. DARBY:

16 Q. What is a multi-part gesture?

17 A. An example of a multi-part could be
18 something with more than one part, as an example.

19 Q. Does Figure 23 show a gesture with
20 more than one part?

21 A. I don't have an opinion on that
22 issue at this point.

1 Q. So, you are unable to say whether
2 Figure 23 is a gesture with multiple parts?

3 A. As, I don't have a specific opinion
4 on that issue at this point.

5 Q. Are you able to develop an opinion?

6 A. That is not an opinion that I
7 offered in my declaration.

8 I utilized Figure 23 and 24 to
9 provide examples and some background material.

10 I have not provided a specific
11 opinions on that issue.

12 Q. Can you develop an opinion right
13 now?

14 A. I don't believe so.

15 Q. Why not?

16 A. I have to review the specification.
17 I have to look at, in detail, look at all of the
18 Figures and try to understand what they mean.

19 Q. You have to look at all of the
20 figures in the patent to understand Figure 23?

21 A. I have to look at Figure 23 and
22 Figure 24 in the context of the disclosures and

1 the relevant sections, and so on.

2 And it is not something I offered in
3 my, it is not some opinion that I offered in my
4 declaration.

5 So, it would be something new. I
6 don't want to speculate or guess.

7 Q. So it would be speculation to say
8 that Figure 23 shows a multi-part gesture?

9 MR. LEVENTHAL: Form.

10 THE WITNESS: As I said, counsel, I
11 was offering that figure as a part of the
12 background. I don't -- I believe it is
13 referring to certain exemplary embodiments.

14 I don't wish to define terms that
15 are not in the claim language, for example.
16 Or limit the claim language based on
17 Figures 23 or 24 at this point because these
18 opinions are not in my declaration.

19 BY MR. DARBY:

20 Q. Do the claims of the '758 patent
21 require a multi-part gesture?

22 A. The claims require what the claims

1 disclose. I don't have any other discussion on
2 this scope.

3 Q. So you don't have an opinion as to
4 whether the claims of the '758 patent require a
5 multi-part gesture?

6 A. Sitting here today, as of my,
7 providing a deposition on my declaration, I don't
8 have a specific opinion on that issue.

9 If asked and allowed and asked to
10 look at that issue in the future, I may look at
11 it but -- and offer an opinion.

12 But, today, I don't because that is
13 not part of my declaration.

14 Q. Does the '758 patent describe
15 multi-part gestures?

16 A. I have not memorized the patent and
17 I don't know the answer at this point sitting
18 here.

19 I will just say that the claims
20 describe the language of the claims and what they
21 mean.

22 I don't see the word specifically

1 called out. So I don't have an opinion on that
2 issue at this point.

3 Q. You don't see the word multi-part
4 gesture in the claims.

5 Is that what you are saying?

6 A. As a part of my answer, I mentioned
7 I don't see the specific English word
8 "multi-part" appearing in the claims.

9 That doesn't mean that I am somehow
10 limiting the claims one way or the other.

11 The English word, the multi-part, to
12 the best of my knowledge, doesn't appear in the
13 English language of the claims.

14 But that is not intended to limit
15 the claims in any way.

16 Q. And you haven't expressed opinion in
17 this proceeding as to whether the claims require
18 a multi-part gesture.

19 Is that accurate?

20 MR. LEVENTHAL: Form.

21 THE WITNESS: My declaration speaks
22 for itself, counsel. I am not sure what you

1 are asking.

2 But, what I have said is that
3 Figures 23 and 24 provide exemplary material,
4 certain, regarding certain nonlimiting
5 embodiments as to use of decision trees and
6 others.

7 BY MR. DARBY:

8 Q. Can you take a look at Column 75,
9 Lines 37 through 39 of the '758 patent?

10 A. Column 75?

11 Q. That's right.

12 A. Lines -- which lines, counsel?

13 Q. 37 through 39.

14 A. Okay. I have looked at that.

15 Q. Does that portion of the
16 specification describe a multi-part gesture?

17 A. It describes here that in some
18 embodiments patent based gestures may be
19 recognized in the form of an ordered sequence of
20 tuples using a decision tree.

21 I mean that is all it discloses. It
22 doesn't mention anything else.

1 Q. So, would you agree that it does not
2 describe a multi-part gesture?

3 MR. LEVENTHAL: Form.

4 THE WITNESS: Again, I don't wish to
5 use new language or characterize these in any
6 other way other than as disclosed in the
7 specification.

8 I don't wish to limit the scope of
9 these words, as well, because that is not
10 something I was asked to do in my
11 declaration.

12 I would defer to the language of the
13 claims and do not limit them in any manner
14 beyond how they are disclosed.

15 BY MR. DARBY:

16 Q. Let me try this way, do you have an
17 opinion as to whether the discussion at Column
18 75, Lines 37 through 39 of the '758 patent
19 describe a multi-part gesture?

20 A. The discussion in Columns 20 --
21 Columns 75, Lines 39 to 39 to 39 -- 37 to 39
22 describe certain embodiments where "pattern-based

1 gestures may be recognized in the form of an
2 ordered sequence of tuples using a decision
3 tree." This seems to describe an exemplary
4 nonlimiting embodiment.

5 Beyond that, I don't have a specific
6 opinion as to how or what this is disclosing at
7 this point.

8 Q. Okay. Please turn to Column 73,
9 Lines 39 through 41.

10 A. Okay.

11 Q. Do you have an opinion as to whether
12 the discussion at Column 73, Lines 39 through 41
13 describes a multi-part gesture?

14 MR. LEVENTHAL: Form.

15 THE WITNESS: As I said, it
16 discloses what it discloses.

17 For example, it says, "In the
18 context of the present description, a
19 pattern-based gesture refers to a gesture
20 defined, at least in part, by a path through
21 a phase space of a normal dimensions."

22 So, these are again exemplary

1 disclosures of embodiments. I don't have any
2 opinions beyond that.

3 BY MR. DARBY:

4 Q. Okay. Please turn to Column 73,
5 Lines 53 through 56?

6 A. Okay.

7 Q. Do you have an opinion as to whether
8 the discussion at Column 73, Lines 53 through 56
9 describes a multi-part gesture?

10 A. Again, I don't have a specific
11 opinion on that particular issue at this point.

12 If asked and allowed I may offer an
13 opinion in the future.

14 But at this point, it is just
15 describing certain exemplary embodiments.

16 Q. Is there a reason you are not
17 allowed to offer an opinion on this matter?

18 MR. LEVENTHAL: Form.

19 THE WITNESS: This is not an opinion
20 that I was asked to offer. And this is not
21 something that I have considered.

22 So, at the point of my writing of my

1 declaration, if asked and allowed I may do so
2 in the future but not in this point.

3 BY MR. DARBY:

4 Q. Do you only form opinions when you
5 are asked to do so?

6 A. This is an important matter. I
7 believe I was rebutting opinions provided by the
8 petition and its -- the expert of the petitioner.
9 And that is what I focused on.

10 Q. Can you turn to Column 73, Line 59
11 through Column 74, Line 19?

12 A. Okay.

13 Q. Do you have an opinion as to whether
14 the discussion at Column 73, Line 59 through
15 Column 74, Line 19 describes a multi-part
16 gesture?

17 MR. LEVENTHAL: Form.

18 THE WITNESS: These sections, again,
19 refer to certain embodiments.

20 I don't offer an opinion beyond what
21 is disclosed in these sections. So I don't
22 have a specific opinion on that issue. These

1 are just describing certain pattern-based
2 gestures.

3 BY MR. DARBY:

4 Q. What is a multi-action gesture?

5 A. Multi action, I believe, an example
6 of a multi action would be more than one action
7 that a user can take and these are, again,
8 examples.

9 Q. Are you aware of any disclosures in
10 the '758 patent of multi-action gestures?

11 A. The specification speaks for itself.
12 So, I don't wish to limit the disclosures in the
13 specification.

14 I have not memorized the 100 pages
15 or so.

16 I have not provided opinions with
17 respect to items such as written description or
18 otherwise, or I would let the specification speak
19 for itself.

20 Q. Have you offered an opinion as to
21 whether the '758 patent describes a multi-action
22 gesture?

1 A. I have described in, for example, in
2 the Background section that the '758 patent
3 describes the multipart, multi-action gestures as
4 examples, as an exemplary embodiments as
5 pattern-based gestures.

6 And that may be recognized in the
7 form of ordinary, of ordered sequences. Again,
8 for example, using decision trees.

9 So, these are again nonlimiting
10 descriptions that are describing examples.

11 Q. Okay. And looking at that section
12 of your declaration, can you find a citation to
13 the specification of the '758 patent where it
14 describes a multi-action gesture?

15 A. I describe, for example, in
16 Paragraph 31 that the '758 patent describes
17 multipart, multi-action gestures as pattern-based
18 gestures that may be recognized in the form of an
19 ordered sequence.

20 And, I provide examples of these
21 nonlimiting disclosures in Paragraphs 31 and 32
22 and 33, and so on.

1 Again, I was not trying to limit the
2 scope of the claims in any way or trying to offer
3 opinions with respect to written description.

4 But, these are again, part of the
5 general overview and background of the '758
6 patent specification.

7 Q. Okay. So I'm looking at
8 Paragraph 31 and you say here, "The '758 patent
9 describes these multipart, multi-action gestures
10 as pattern-based gestures and may be recognized
11 in the form of an ordered sequence by, for
12 example, using a decision tree."

13 Do you see that?

14 A. You are reading from Paragraph 31
15 as, which are exemplary disclosures of certain
16 embodiments of the '758.

17 Q. Okay. And you provide a citation
18 after that sentence to Column 75, Lines 37
19 through 39, correct?

20 A. Yes.

21 Q. And is it your understanding that
22 Column 75, 37 through 39 which you cite here in

1 Paragraph 31 describes a multi-part, multi-action
2 gesture?

3 A. I would say that it describes use of
4 a decision tree, which is what the column seems
5 to describe, which is Column 75, Column 75, 37 --
6 yes.

7 So, it is describing, for example,
8 that use of a decision tree.

9 Q. Have you expressed an opinion as to
10 whether Column 75, Lines 37 through 39, which you
11 cite at Paragraph 31 of your declaration,
12 describes a multi-part, multi-action gesture.

13 A. I mean beyond the disclosures of
14 Paragraph 31, I'm not sure what specifically you
15 are asking. My disclosure speaks for itself.

16 Q. I'm asking if you have an opinion as
17 to whether Column 75, 37 through 39 describes a
18 multi-part, multi-action gesture.

19 Do you have an opinion on that?

20 A. I would say that the disclosure of
21 Column 75, 39 to 40, describes examples of
22 pattern-based gestures as, as being able, as, for

1 example, being able to use a decision tree in a
2 nonlimiting manner. That is how I view the
3 disclosure of Column 75, 39 to 40. That in some
4 embodiments pattern-based gestures may be
5 recognized in the form of an ordered sequence of
6 tuples using a decision tree.

7 And in certain embodiments,
8 multi-part, multi-action gestures may be viewed
9 as, again in a nonlimiting manner, pattern-based
10 gestures.

11 Q. That last part is what I'm
12 interested in.

13 Where does the '758 patent, in your
14 view, say that in certain embodiments, multi-part
15 multi-action gestures may be viewed as
16 pattern-based gestures?

17 MR. LEVENTHAL: Form.

18 THE WITNESS: I don't wish to offer
19 a written description, support opinions at
20 this point.

21 So, I don't have a specific opinion.

22 I believe that the entire disclosure

1 of -- I have not memorized the disclosure of
2 the entire '758 patent which spans more than
3 100 pages.

4 But, I don't have a specific opinion
5 on that issue at this point.

6 BY MR. DARBY:

7 Q. Just to be clear, you don't have a
8 specific opinion as to whether the '758 patent
9 explains that in certain embodiments multi-part
10 multi-action gestures may be viewed as
11 pattern-based gestures?

12 A. My opinion is that, and as a part of
13 my declaration, I did not provide all instances
14 in the specification.

15 I was just providing certain
16 background material on the '758 patent that is
17 disclosed in Paragraphs 30 through 34 of my
18 declaration.

19 These are not intended to be a full
20 disclosure of all portions of the specification,
21 and these disclosures are not intended, in these
22 paragraphs, are not intended to limit the claims

1 in any way or provide support for written
2 description which was not the objective of my
3 declaration at the time of writing.

4 If asked and allowed, in future, I
5 may opine on other issues.

6 But, at this present time my
7 declaration speaks for itself.

8 Q. Do you have an opinion as to whether
9 the claims are limited to a multi-action gesture?

10 A. The claims disclose what they do. I
11 mean I don't have, I don't offer an opinion with
12 respect to that issue one way or the other. As a
13 part of my declaration.

14 Q. Do you have an understanding of what
15 the term single-finger touch input means?

16 A. An example of the single-finger
17 touch input could be using a single finger and
18 that is just an example.

19 The claim language certainly
20 describes the remaining limitations and what it
21 covers.

22 Q. Do you have an understanding of what

1 the term multi-finger touch input means?

2 MR. LEVENTHAL: Form.

3 THE WITNESS: Are you looking at a
4 particular claim term? I don't see that in
5 this, in the claim.

6 BY MR. DARBY:

7 Q. I agree that it is not in the claim.
8 Do you understand what the term
9 means?

10 A. I don't have an opinion on that
11 term.

12 Q. So, for example, you don't know the
13 difference between a single-finger touch input
14 and a multi-finger touch input?

15 MR. LEVENTHAL: Form.

16 THE WITNESS: That is not my
17 testimony. My testimony is that I asked you
18 where the term multi-finger input is
19 disclosed in the claims.

20 And you could not. So, I said I
21 didn't have an opinion on the term that
22 doesn't appear in the claims.

1 So, I don't have an opinion on that
2 issue.

3 BY MR. DARBY:

4 Q. Do you know if a single-finger touch
5 input is different from a multi-finger touch
6 input?

7 MR. LEVENTHAL: Form.

8 THE WITNESS: I don't, again, offer
9 an opinion at this point on that issue.

10 I was focusing on the language of
11 the claims and I provided an example of a
12 single-finger touch input, and it is a
13 nonlimiting example.

14 BY MR. DARBY:

15 Q. And your example was a touch input
16 with a single finger?

17 A. That is a single -- that is an
18 example. That is a nonlimiting example, yes.

19 MR. DARBY: Okay, why don't we --

20 MR. LEVENTHAL: Ah, just before we
21 go off the record, I just want to note the
22 witness will review and sign.

1 MR. DARBY: Okay, Dan, let's talk
2 about that for logistics wise. We haven't
3 done that for the prior, the prior,
4 depositions that I am aware of. Anyways, let
5 me talk about it off line. But --

6 MR. LEVENTHAL: Sure.

7 MR. DARBY: But, then, okay.

8 (Recess taken -- 12:28 p.m.)

9 (After recess -- 12:34 p.m.)

10 BY MR DARBY:

11 Dr. Madisetti, welcome back. Just
12 to confirm, did you speak with anybody about
13 the substance of your testimony during the
14 break?

15 A. I did not.

16 Q. Did you speak with anybody during
17 the break?

18 A. No.

19 Q. Did you look at any notes during the
20 break?

21 A. No.

22 Q. Any other documents during the

1 break?

2 A. No, no.

3 Q. Did you communicate with anybody via
4 text message, instant messenger, anything like
5 that?

6 A. No.

7 Q. Okay. Please direct your attention
8 back to the '758 patent and I would like you to
9 look at Column 86, Line 45.

10 A. Okay.

11 Q. All right. And can you take as much
12 time as you need because it is a long section.

13 But it extends all of the way down
14 to Column 97, Line 20.

15 I want you just to have a look at
16 that. Take as much time as you need to refresh
17 yourself.

18 A. Okay.

19 Q. Would you agree with me that this
20 section at Column 86, Line 45 through Column 97,
21 Line 20 of the '758 patent specification is
22 identifying and incorporating by reference a

1 number of different patent applications?

2 A. At a high level, yes. It is
3 disclosing that in various optional embodiments,
4 the features, capabilities, disclosed in the
5 following applications and patents may or may not
6 be incorporated into the, any of the embodiments
7 disclosed herein, and so on.

8 Q. And are all of these patent
9 applications incorporated by reference?

10 A. I believe so. That they are cited
11 here and incorporated by reference.

12 Q. Are you familiar what it means to
13 incorporate a document by reference into a
14 patent?

15 A. At a high level it means that you
16 are including the disclosures of that referenced
17 application or patent into the current patent.

18 But, that is again my high level
19 view.

20 Certainly, not a legal opinion.

21 Q. And when you review a patent and you
22 see a document incorporated by reference, do you

1 typically look at the incorporated by reference
2 document?

3 MR. LEVENTHAL: Form.

4 THE WITNESS: It depends on what you
5 are looking at and why you are looking at.
6 So, it all depends on the context.

7 BY MR. DARBY:

8 Q. In this context of the '758 patent?

9 A. Yes, even in this context. It
10 depends on what you are trying to do and what you
11 are trying to accomplish, what you are trying to
12 do.

13 So it all depends on the context of
14 your review.

15 Q. What about in the context of the
16 review that you performed?

17 A. I was asked to rebut certain
18 opinions by the petitioner and its expert.

19 So, for the purposes of those
20 opinions and the rebuttal opinions, I reviewed
21 the patent and the relevant portions of the
22 specification as discussed and cited by the

1 petition and its expert and rebutted them
2 accordingly in my opening declaration.

3 Q. And in that context, did you feel
4 the need to look at these patent applications
5 that are incorporated by reference?

6 A. I don't believe so. But, my
7 declaration captures all of the materials that I
8 relied upon.

9 Q. Do you have your declaration handy?

10 A. Yes.

11 Q. Can you look at it and let me know
12 if you believe you relied on any of these
13 documents that were incorporated by reference in
14 the section of the '758 patent specification that
15 begins at Column 86, Line 45 through Column 97,
16 Line 20?

17 A. You want me to look for all of these
18 documents?

19 Q. I want you to look in your
20 declaration so that you can answer my question?

21 A. I mean to the extent that these were
22 cited in the petition or the declaration of its

1 expert, I mean they would be items that I
2 reviewed.

3 But, otherwise I didn't, I would not
4 have reviewed them.

5 Q. Okay. Let's move on. Turn to
6 Column 97, Line 29.

7 A. Okay.

8 Q. Do you agree that this is the
9 beginning of the claims of the '758 patent?

10 A. Yes.

11 Q. And this section extends all of the
12 way down to Column 117, Line 23. Correct?

13 A. Yes.

14 Q. And there are 131 claims in the '758
15 patent?

16 A. Yes.

17 Q. Did you review all of these 131
18 claims?

19 A. Yes.

20 Q. Did you offer an opinion on all 131
21 claims?

22 A. I offered -- I was asked to offer an

1 opinion on the independent claims 163 and 124 and
2 the dependent claims that I covered in my
3 declaration.

4 Q. And which dependent claims are
5 those?

6 A. They are referenced in my
7 declaration.

8 Q. Okay. Can you look at your
9 declaration and tell me which dependent claims
10 you expressed an opinion on?

11 A. First of all on Paragraph 35 there
12 is a typo. And the section heading should say
13 Claims 1, 63 and 124 and not Claims 1, 16 and 84
14 as it is currently done.

15 This is the Section B as in boy. So
16 there is a typo there. It should have said
17 Claims 1, 63 and 61 -- 63 and -- and 124.

18 So, with respect to the dependent
19 claims, those are towards the later part of my
20 declaration.

21 So, I would say that I respond to
22 all of the dependent claims that were challenged

1 by the petitioner in Grounds 1 and 2 which
2 include Claims 9, 12, 19 through 22, 24 to 32.
3 35 to 43, 47, 57 through 59, 71, 74, 81
4 through 84, 86 to 94. 97 through 105, 109, 119
5 through 121. As well as the claims of Ground 2
6 which were 9, 12, 19 through 22. 24 to 32, 35 to
7 43, 47, 57 to 59, 63, 71, 74, 81 to 84, 86 to 94,
8 97 through 105, 109, 119 through 121.

9 And of course all of the independent
10 claims that were asserted which were Claims 1, 63
11 and 124.

12 Q. And what paragraph of your
13 declaration were you reading off those dependent
14 claims from?

15 A. I referred to the sections that say
16 Petitioner's Ground 1 and Ground 2 Mappings
17 throughout. And the Ground 1 and Ground 2 are
18 referenced, for example, in the petition.

19 Q. Right. But where were you referring
20 to in your declaration for all of those claim
21 numbers?

22 A. Through Ground 1 and Ground 2

1 mappings.

2 Q. What paragraph were you reading
3 those claim numbers from?

4 A. Oh. They are from the petition.

5 Q. Okay. I haven't given you the
6 petition, have I?

7 A. No, I don't think so. But you asked
8 me for the claim numbers. So, I looked at what
9 Ground 1 and Ground 2 were.

10 Q. Okay. I need you to close that
11 document. Please don't open any documents that I
12 don't provide and that you don't mention to me
13 that you are reading from, please.

14 A. Uh-huh.

15 Q. Can you do that?

16 A. Okay. So, I was referring to
17 Ground 1 and 2. And so I referenced Ground 1
18 and 2 of the petition. So, I did look up the
19 petition at your request.

20 Q. Have you been looking at any other
21 documents beyond the '758 patent and your
22 declaration and now the petition during today's

1 deposition?

2 A. No.

3 Q. Okay. Where in your declaration do
4 you analyze Claim 9?

5 A. I believe that through my analysis
6 of the independent claims, an independent claim
7 would also not be, would also not be rendered
8 obvious by the alleged Grounds 1 and 2. That is
9 one example.

10 I specifically -- I specifically
11 call out other claims such as Claim 21, 22, and
12 others.

13 Q. Do you specifically call out
14 Claim 9?

15 A. I may not have specifically called
16 out Claim 9 except that it is a dependent claim
17 of an independent claim that was not found in my
18 opinion invalid.

19 Q. And you said you may not have
20 specifically called out Claim 9.

21 Did you call out Claim 9 in your
22 declaration or not?

1 A. I called it out by referring to the
2 independent claims and the fact that Ground 1 and
3 Ground 2 mappings were failed in the petition.

4 Q. Okay. And are you reading from a
5 particular paragraph in your declaration, or
6 referring to a particular paragraph in your
7 declaration?

8 A. I think I cite, in many locations,
9 that Apple fails in its Ground 1 and Ground 2
10 mappings. One example would be, let me check.

11 So, for example, one paragraph would
12 be 86. There are other similar such statements,
13 in addition to those that explicitly call out the
14 independent claims.

15 Q. Okay. Can you turn to Claim 9 in
16 the '758 patent.

17 A. Okay.

18 Q. You have expressed an opinion on
19 Claim 9 in this case in your view?

20 A. As part of my general analysis of
21 the independent claims.

22 Q. And do you understand what Claim 9

1 means?

2 A. Claim 9 is an "electronic device of
3 Claim 1 wherein the one or more programs include
4 instructions for, in response to determining that
5 one or more action-option-display criteria have
6 been met, generating a first tactile output that
7 is indicative of a satisfaction of one or more
8 action-option-display criteria.

9 Q. And how did dependent Claim 9 inform
10 your understanding of independent Claim 1?

11 MR. LEVENTHAL: Form.

12 THE WITNESS: It shows that it
13 depends on Claim 1 and it adds additional
14 specific features.

15 But, I don't have a specific opinion
16 as to -- I don't understand specifically what
17 you are asking with respect to Claim 9 beyond
18 the language of Claim 9.

19 BY MR. DARBY:

20 Q. Does Claim 9 require tactile output?

21 A. Claim 9 says that you are an
22 electric device of Claim 1 and then it is

1 generating a first tactile output under certain
2 conditions of Claim 9.

3 Q. So, Claim 9 requires tactile output?

4 A. Claim 9 is the device of Claim 1; so
5 it must satisfy Claim 1 and it must also, under
6 certain conditions, generate a first tactile
7 output as described in Claim 9.

8 Q. Does Claim 1 also require tactile
9 output?

10 A. Claim 1 is the independent claim.
11 So, it does not specifically call out a tactile
12 output.

13 But, because Claim 9 also satisfies
14 Claim 1, Claim 1 could also be satisfied with the
15 tactile output, though it doesn't require it.

16 Q. And you know that because a
17 dependent claim, Claim 9 is narrower than the
18 independent claim, Claim 1. Right?

19 MR. LEVENTHAL: Form.

20 THE WITNESS: Again, I don't qualify
21 or use that language that you have used.

22 I simply say Claim 9 is what it is.

1 I don't say it is narrower or broader. I
2 just say that Claim 9 depends on Claim 1 and
3 clarifies certain and provides additional
4 language.

5 BY MR. DARBY:

6 Q. Have you been informed that a
7 dependent claim must narrow the independent claim
8 from which it depends?

9 A. What do you mean by narrow?

10 Q. Add additional limitations that are
11 not required by the independent claim?

12 A. I am not sure of the word "add" in
13 all of that. But, it certainly includes the
14 independent claim and adds certain language to
15 the independent claim.

16 Q. And would you agree that the added
17 certain language in the dependent claim is not
18 required of the independent claim?

19 MR. LEVENTHAL: Form. Scope.

20 THE WITNESS: It depends. It
21 depends on the context. But I don't have a
22 specific opinion here on the scope of

1 Claim 9.

2 BY MR. DARBY:

3 Q. So you have offered an opinion on
4 Claim 9 but not about its scope.

5 Is that accurate?

6 MR. LEVENTHAL: Form.

7 THE WITNESS: I have answered your
8 questions with respect to Claim 9. I have
9 said that it is an independent, it is a
10 dependent claim that depends on Claim 1.

11 And my opinions with respect to
12 Claim 1 apply to all of the dependent claims,
13 for example.

14 BY MR. DARBY:

15 Q. Do you have any specific opinions
16 regarding Claim 9 beyond that?

17 A. No, not unless expressed in my
18 declaration.

19 Q. Does your declaration express any
20 specific opinions about Claim 9?

21 A. As I said, I mean it certainly
22 rebuts the petition and with respect to the

1 Ground 1 and Ground 2 mappings.

2 But, other than that, I mean I don't
3 recall every aspect of my declaration. I believe
4 that, I don't recall specifically if Claim 9 was
5 called out explicitly.

6 Q. Is there anything about Claim 9 that
7 helps you better understand Claim 1?

8 A. I don't have a specific opinion on
9 that issue at this point.

10 Q. What about dependent Claim 16. Can
11 you look at that one?

12 A. Yes.

13 Q. Is there anything about dependent
14 Claim 16 that helps you better understand
15 Claim 1?

16 A. I don't have an opinion specifically
17 about Claim 16 in my declaration.

18 If asked and if asked to provide an
19 opinion I may do so in the future.

20 But as of today, I have no opinion
21 with respect to how Claim 16 can add it to the
22 understanding of Claim 1.

1 Q. You did offer an opinion on the
2 meaning of Claim 1, though, correct?

3 A. I was providing a rebuttal to the
4 petition and the petitioner's experts
5 declaration, and my opinions are with respect to
6 rebutting the challenges. Nothing more.

7 Q. Okay. Can you just look at the
8 section, this is Section 8, Subsection 1,
9 starting at Paragraph 39 of your declaration?

10 A. Okay.

11 Q. In this claim interpretation
12 section, are you offering an opinion about the
13 meaning of Claim 1?

14 A. I am discussing certain high level,
15 high level description of the claims in general.

16 Q. Are you interpreting Claim 1?

17 A. I was just describing some high
18 level understandings about certain aspects of the
19 dependent claims.

20 Certainly, I was not identifying or
21 providing opinion on the scope of any of the
22 claims as a whole.

1 Q. Okay. Can you look at dependent
2 Claim 17 in the '758 patent?

3 A. 17? One, seven?

4 Q. Correct.

5 A. Okay.

6 Q. And did Claim 17 inform your
7 understanding and interpretation of Claim 1 in
8 any way?

9 A. That it is a dependent claim that
10 depends on Claim 1.

11 But, I don't offer an independent
12 opinion as to the scope of Claim 17 as a part of
13 my declaration.

14 Q. Does Claim 17 help you better
15 understand Claim 1 in any way?

16 A. I don't offer such an opinion in my
17 declaration that we are discussing.

18 Q. What about Claim 41.

19 Can you look at Claim 41?

20 A. Okay.

21 Q. Does dependent Claim 41 help you
22 understand Claim 1, in any way?

1 A. It tells that it is dependent on the
2 independent Claim 1, but beyond that I don't have
3 a specific opinion on Claim 41 in my declaration.

4 Q. So you don't have an opinion in this
5 case about whether Claim 41 is informative as to
6 your understanding of Claim 1?

7 A. As I described earlier, in my
8 declaration for this IPR, I do not offer an
9 opinion with respect to Claim 41 alone as to
10 scope beyond, beyond mentioning that it is, it
11 depends on the independent Claim 1.

12 Q. What about Claim 46, can you look at
13 that one?

14 A. Yes.

15 Q. Is there anything in Claim 46 that
16 helps you better understand Claim 1?

17 A. In that it is an independent, it
18 depends on independent Claim 1 and the claim
19 language discloses what it discloses in Lines 10
20 through 15.

21 But, I don't offer an opinion about
22 the full scope of Claim 46 by itself in my

1 declaration that we are discussing.

2 Q. What about an opinion about how
3 Claim 46 impacts your understanding of Claim 1?

4 A. I believe that I provide an analysis
5 of the independent Claim 1 on which it depends
6 and provide a rebuttal to the petition and its
7 arguments.

8 I don't provide a specific
9 discussion, I believe, of Claim 46 by itself
10 beyond that in my declaration.

11 Q. What about Claim 62, can you look at
12 that one?

13 A. Yes. The same answer except that it
14 depends on Claim 61, which in turn depends on
15 Claim 60, which in turn depends on Claim 1.

16 Q. And did you give any consideration
17 as to how the limitations of Claim 62 impact and
18 inform your understanding of independent Claim 1?

19 A. I reviewed Claim 62 and I identified
20 that it is the, it is dependent on the series of
21 dependent claims that eventually depend on
22 Claim 1.

1 So, my analysis was with respect to
2 Claim 1 and rebutting the petition.

3 I don't offer an independent
4 analysis about the scope of Claim 62 in my
5 current declaration.

6 Q. Is a tap a single-finger touch
7 input?

8 MR. LEVENTHAL: Form.

9 THE WITNESS: What are you referring
10 to in the claims?

11 BY MR. DARBY:

12 Q. The term single-finger touch input
13 in the claims?

14 A. Okay. So, there is a single-finger
15 touch input that you are pointing to, for
16 example, Claim 1.

17 And what is your question?

18 Q. Is a tap a single-finger touch
19 input?

20 A. It can, it can be in certain
21 contexts, but my opinions with respect to my
22 declaration are described in my declaration and

1 they focus on rebutting the petitions Ground 1
2 and 2 mappings for the reasons that I disclosed.

3 Q. Is a double tap a single-finger
4 touch input?

5 MR. LEVENTHAL: Form.

6 THE WITNESS: As I said, I don't
7 have, I have provided opinions in my
8 declaration with respect to the grounds
9 raised by the petition, or the Grounds 1
10 and 2.

11 I don't have a specific opinion on a
12 double tap by itself. I would have to look
13 at the context of the system and how it works
14 and how it is implemented and all of that.

15 So, I don't have a general statement
16 about it, at this point in my declaration.

17 BY MR. DARBY:

18 Q. So, you haven't expressed any
19 opinions in your declaration that would allow you
20 to answer the question of whether a double tap
21 can be a single-finger touch input?

22 A. I have responded to the grounds

1 raised by the petition. Grounds 1 and 2 and
2 provided my opinions and the basis. I don't
3 provide, I did not provide any independent
4 identification of what can infringe and what need
5 not infringe, for example, in my declaration,
6 independent of the grounds raised by the petition
7 in my declaration.

8 Q. And you are unable to answer my
9 question sitting here right now?

10 A. I think I answered it, counsel.

11 I said that I confine myself as
12 asked to, to rebut the grounds raised in the
13 petition and its declarant. And I provided a
14 fulsome analysis along with that basis. I did
15 not offer an opinion on what could infringe
16 certain claim terms by themselves. Independently
17 of any product or any particular ground, in my
18 declaration.

19 Q. You mentioned earlier that a tap can
20 be a single-finger touch input.

21 Do you recall that?

22 A. As I said, it depends on the

1 context. I did not offer an independent opinion
2 on that issue outside the context of my
3 declaration in which I rebutted the Grounds 1
4 and 2.

5 I don't have an independent
6 identification of what may or may not be a single
7 tap in different contexts.

8 Q. What information would you need to
9 know in order to assess whether a double tap is a
10 single-finger touch input?

11 A. It depends on the context. I am not
12 sure at this point. I have certainly analyzed
13 the Grounds 1 and 2 because they provided
14 specific details and I have provided my opinions
15 on those issues in my declaration.

16 Q. You said it depends on the context.
17 What context are you referring to?

18 A. Again, how a system is implemented,
19 how it is done. I don't have a full opinion on
20 that issue at this point.

21 I have focused on rebutting the
22 Grounds 1 and 2 raised by the petition. Nothing

1 else. So, I don't have a general opinion.

2 Q. So you don't have an opinion about
3 whether a double tap can be a single-finger touch
4 input, is that fair?

5 A. As I said earlier, I provided a
6 fulsome opinion on the grounds raised by Apple
7 and its expert, and my opinions regarding those
8 issues are in my declaration.

9 I don't have anything more than that
10 independent of my declaration as to what is what.

11 Q. Would you agree that the opinions in
12 your declaration do not provide enough context to
13 determine whether a double tap can be a
14 single-finger touch input?

15 A. My declaration speaks for itself,
16 counsel. I don't wish to characterize my
17 declaration any other way. It provides my
18 opinions and their basis.

19 Q. What about a drag? Can a drag be a
20 single-finger touch input?

21 MR. LEVENTHAL: Form.

22 THE WITNESS: Again counsel, I have,

1 it all depends on the context and in the
2 context of my IPR declaration, I analyzed the
3 proffered Grounds 1 and 2 in the petition as
4 well as the declaration of the petitioner's
5 expert and I responded accordingly.

6 I don't have a general opinion on
7 those issues outside the context of my
8 declaration and the grounds analyzed herein.

9 BY MR. DARBY:

10 Q. What about a slide? Can a slide be
11 a single-finger touch input?

12 MR. LEVENTHAL: Form.

13 THE WITNESS: Same answer, counsel,
14 as before.

15 BY MR. DARBY:

16 Q. What about a pinch? Can a pinch be
17 a single-finger touch input?

18 MR. LEVENTHAL: Form.

19 THE WITNESS: Again, the same
20 answer. I don't wish to comment on certain
21 terms that moreover are not in the claim at
22 all.

1 I certainly provide a fulsome
2 description in my declaration as to the
3 opinions I have on that basis and when
4 rebutting Grounds 1 and 2, and in terms of
5 any issues that you had asked me about.

6 BY MR. DARBY:

7 Q. And you are unable to provide an
8 answer beyond referring to the full scope of your
9 declaration?

10 A. As I said, I refer to my declaration
11 because I was offering a rebuttal of Apple's
12 petition.

13 And the declaration -- and Apple's
14 expert's declaration with respect to Grounds 1
15 and 2.

16 And in the context of those, I
17 believe my opinions are clear and the basis are
18 clearly cited.

19 I don't wish to offer a general high
20 level discussion of certain terms independent of
21 the purpose of my declaration. And the content
22 of my declaration.

1 Q. Okay. Can you turn to Paragraph 63
2 of your declaration.

3 A. One second. Okay.

4 Q. And this is a discussion of the
5 Chaudhri reference, Exhibit 1004, correct?

6 A. Yes. It is part of Section 9 where
7 I provide a high level overview of prior art.

8 Q. Okay. And do you see the part that
9 says, "Tapping on an application will launch the
10 application," in Paragraph 63 of your declaration
11 which is quoting from Paragraph 217 of Chaudhri?

12 A. Yes, it is referring to
13 Paragraph 217 of Chaudhri Exhibit 1004.

14 Q. And do you express an opinion in
15 this case regarding whether tapping on an
16 application as disclosed in Chaudhri here at
17 Paragraph 63 of your declaration is a
18 single-finger touch input?

19 A. I provide an opinion that in the
20 normal mode, "normal mode," tapping on an
21 application in Chaudhri will launch the
22 application in a cite to Paragraph 217 of

1 Exhibit 1004.

2 Q. And do you know if that tap is a
3 single-finger touch input?

4 A. It is not, as I describe in my
5 analysis, the disclosures of Chaudhri do not meet
6 the claims and the claim limitations for the
7 reasons that I describe.

8 So, I would say that it does not
9 meet the claimed, the claimed single-finger touch
10 inputs.

11 Q. So, just to be clear, Chaudhri's
12 tapping on an application does not meet the claim
13 single-finger touch input in your view; is that
14 right?

15 MR. LEVENTHAL: Form.

16 THE WITNESS: For the reasons as I
17 described in the normal mode, I said in the
18 normal mode, tapping an application would
19 launch the application, Exhibit 1004, 0217.

20 I'm talking about the entire claim
21 limitation for the reasons that I describe in
22 my declaration.

1 Chaudhri and its combination with
2 other references in the petition do not
3 satisfy the entire limitation as described in
4 the independent claims.

5 (Recess taken -- 1:54 p.m.)

6 (After recess -- 2:09 p.m.)

7 BY MR. DARBY:

8 Q. Dr. Madiseti, welcome back.

9 Just to confirm, did you discuss the
10 substance of your testimony during the break?

11 A. No.

12 Q. Did you discuss anything with anyone
13 during the break?

14 A. No.

15 Q. Did you consult any notes or other
16 documents that I have not provided you during the
17 break?

18 A. No.

19 Q. Just to be clear during today's
20 examination, please do not consult any documents
21 that I have not provided you, okay?

22 A. Okay.

1 Q. And will you agree to do that?

2 A. Yes.

3 MR. DARBY: Okay. Okay, I have just
4 added Exhibit 1004 to the Zoom Chat.

5 (Whereupon, previously marked
6 Exhibit 1004,
7 first referral.)

8 BY MR. DARBY:

9 Q. Let me know when you have a chance
10 to download that.

11 A. Okay.

12 Q. Do you recognize this document as
13 the Chaudhri reference?

14 A. Yes.

15 Q. And were you aware of the Chaudhri
16 reference before your work in this IPR
17 proceeding?

18 A. I don't remember one way or the
19 other.

20 Q. Have you ever offered testimony
21 regarding the Chaudhri reference before your
22 engagement in this proceeding?

1 A. I don't recall one way or the other.

2 Q. To the best of your knowledge, when
3 did you first learn about the Chaudhri reference?

4 A. As part of this case, I was provided
5 this along with the other documents as part of
6 the IPR.

7 But, that is regarding this
8 particular case.

9 Q. Did you review the Chaudhri
10 reference in preparation for today's deposition?

11 A. Yes.

12 Q. And are you prepared to answer
13 questions about the Chaudhri reference today?

14 A. As I said, to the extent that I
15 discussed that in my declaration.

16 Q. For the record, any questions I ask
17 you about the Chaudhri reference during today's
18 deposition, I would like for you to answer from
19 the prospective of a person of ordinary skill in
20 the art.

21 Can you do that?

22 A. Okay.

1 Q. When preparing your declaration, did
2 you study the Chaudhri reference in detail?

3 A. I reviewed it for the purposes of
4 rebutting the petition and the grounds raised by
5 the petition and also the expert declaration by
6 the petitioner's expert.

7 Those were my task assignments to
8 rebut those opinions raised by the Grounds 1
9 and 2 in the petition.

10 In that context I reviewed these
11 references including the Exhibit 1004.

12 Q. And did you read the board's
13 institution decision --

14 A. Yes.

15 Q. -- regarding the analysis of
16 Chaudhri?

17 A. Yes. I read the board's institution
18 decision.

19 Q. And did you read Chaudhri in its
20 entirety in your preparation of your declaration?

21 A. I reviewed it to the extent that it
22 was referenced in the petition and by the expert

1 declaration of the petitioner to rebut the
2 arguments and the grounds and I provided an
3 opinion in my declaration with that goal in mind.

4 Q. And your goal was to rebut the
5 petition?

6 A. My goal was to rebut the opinions
7 and the basis of the petitioner grounds as well
8 as the petitioner's expert.

9 Q. Can you turn to Figure 2 of
10 Chaudhri.

11 A. Okay.

12 Q. Do you have an understanding of what
13 this Figure shows?

14 A. Figure 2 is, discloses or
15 illustrates a portable multi-function device
16 having a touch screen in accordance with some
17 embodiments of Chaudhri.

18 Q. Are you referring to a particular
19 location in Chaudhri?

20 A. I was referring to Paragraph 55 of
21 Chaudhri.

22 Q. What is your understanding of a

1 portable multi-function device and what that
2 means?

3 A. It is portable and it seems to have
4 multiple functions of the type disclosed in
5 Chaudhri.

6 Q. Is a smartphone an example of a
7 portable multi-function device in Chaudhri?

8 A. In Paragraph 73 it discloses that
9 exemplary embodiments of portable multi-function
10 devices include without limitation the iPhone
11 from Apple, Inc.

12 Q. Can you take a look at Paragraph 174
13 of Chaudhri?

14 Let me know after you've had a
15 chance to digest that paragraph.

16 A. Okay. I have reviewed
17 Paragraph 174.

18 Q. And do you agree that this paragraph
19 discloses contacts that include gestures like
20 taps, swipes, and rolling of a finger?

21 A. In Paragraph 174 it says, "In some
22 embodiments the contact may include a gesture

1 such as one or more taps, one or more swipes,
2 and/or rolling of a finger that has made contact
3 with the device 100," referring to Figure 2 in
4 Paragraph 174 of Chaudhri.

5 Q. And those gestures are performed on
6 a graphic as displayed on the multi-function
7 device?

8 A. He is saying here that the user may
9 select one or more of the graphics by making
10 contact or touching the graphics.

11 Q. And can that contact include a
12 gesture such as one or more taps, one or more
13 swipes, and/or rolling the finger?

14 A. As described in some embodiments,
15 the contact may include a gesture such as one or
16 more taps, one or more swipes, and/or rolling of
17 the finger that has made contact with the device.

18 Q. And that is referring to contact
19 with the graphic that is displayed on the device?

20 A. It is referring to selecting one or
21 more of the graphics by making contact as an
22 example.

1 Q. And is your understanding of that
2 contact, contact with a graphic displayed on the
3 device or something else?

4 MR. LEVENTHAL: Form.

5 THE WITNESS: I believe that it is
6 referring to a selection of one or more
7 graphics as described in Paragraph 174.

8 BY MR. DARBY:

9 Q. And do you see the part where 174 is
10 saying, "A user may select one or more of the
11 graphics by making contact or touching the
12 graphics"?

13 A. Yes. It is saying, "In this
14 embodiment, as well as others described below, a
15 user may select one or more of the graphics by
16 making contact or touching the graphics, for
17 example, with one or more fingers or one or more
18 styluses."

19 Q. And is your understanding that
20 contact with the graphic can include gestures
21 such as taps, swipes, and rolling of a finger?

22 A. It is my understanding that the

1 selection of one or more graphics by making
2 contact or touching of the graphics as disclosed
3 in Chaudhri may be made by making contact or
4 touching the graphics and that contact for
5 selection may include a gesture such as one or
6 more taps, one or more swipes, dot dot dot as
7 disclosed in Paragraph 174 of Chaudhri.

8 Q. And could all three of these
9 gestures be used to make a selection of a
10 graphic?

11 A. I am not sure where you are seeing
12 that. The disclosure says in some embodiments
13 the gesture, the contact may include a gesture
14 such as one or more taps, one or more swipes.

15 Q. Referring to the part that says
16 and/or, so it is a list of things and it says
17 and/or.

18 A. Where is the and/or?

19 Q. "Some embodiments the contact may
20 include a gesture such as one or more taps, one
21 or more swipes, and/or a rolling of a finger."
22 That is in Paragraph 174.

1 Do you see that?

2 A. Yes. It says and/or a rolling of a
3 finger, for selection.

4 Q. Okay. So can all three of those
5 gestures be used to suggest -- strike that.

6 Can all three of those gestures be
7 used to select a graphic in your view?

8 MR. LEVENTHAL: Form.

9 THE WITNESS: I don't see that in
10 the disclosure.

11 BY MR. DARBY:

12 Q. What is your understanding of
13 and/or?

14 A. Seems to be referring to some sort
15 of swipe, but it is not something that I looked
16 at very closely. But it looks like it is
17 referring to some sort of swipe that combines a
18 movement with rolling.

19 Q. Just so that the record is clear, I
20 just want to read that back to you.

21 You said, "but it looks like it is
22 referring to some sort of swipe that combines a

1 movement with rolling"?

2 A. That's right. There is no comma
3 after "swipes" and before "and." So it seems to
4 be a sort of a swipe.

5 Q. Okay. Let's turn to Figure 5A of
6 Chaudhri.

7 Let me know when you are there.

8 A. Which PDF page is that?

9 Q. Ten.

10 A. Okay.

11 Q. And is it your understanding that
12 this Figure 5A is showing the multi-function
13 device in a normal mode?

14 A. It says here that Figures 5A and
15 others illustrate exemplary user interfaces for
16 managing folders in accordance with some
17 embodiments.

18 Q. Do you have an understanding as to
19 whether or not the device is in a normal
20 operation mode?

21 A. Yes. At a high level, yes.

22 Q. And is it your understanding that in

1 the normal operation mode shown in Figure 5A when
2 a user selects one of the application icons that
3 are shown in this figure, that that will cause
4 the application to launch?

5 A. It may or may not under, depending
6 on the circumstances.

7 But, that is not, so, it is not
8 clear.

9 Q. In what circumstances would
10 selecting an application icon shown in Figure 5A
11 not launch an application?

12 A. You are to defer to the
13 specification itself. But I understand there is
14 some disclosures where it may or may not launch
15 an application.

16 Q. Okay. Can you point to a disclosure
17 in Chaudhri where selecting an application icon
18 from the devices in the normal mode does not
19 launch an application?

20 A. I have to look through the entire
21 specification. It is very, very long.

22 Q. So what is your basis for

1 understanding that there may be situations where
2 a selection does not launch the application?

3 A. Based on my review at some point.

4 Q. So, your review at some point makes
5 you think there are situations where selection of
6 an application icon when the device is in the
7 normal mode will not launch an application.

8 But you are unable to identify any
9 basis for that in terms of a citation to a
10 paragraph in Chaudhri?

11 A. I believe there is some conditions
12 under which it may be done and other conditions
13 it may not launch it. But --

14 Q. Are you able to give --

15 A. I have not memorized Chaudhri's 150
16 pages of dense material.

17 Q. Are you able to give any indication
18 as to what disclosure in this document may have
19 led you to believe that?

20 A. I don't recall the exact thing, but
21 there is some condition that is involved that
22 only certain cases it may launch an application.

1 Q. But you don't know where that is?

2 A. I don't recall the specific, I have
3 to look through the specification. But, that is
4 to the best of my recollection. There was some
5 conditions that needs to check if it launches or
6 not.

7 Q. Okay. Is it your understanding that
8 when a user makes contact with one of the
9 application icons shown in Figure 5A for longer
10 than a predetermined amount of time, that doing
11 so transitions the device into a reconfiguration
12 mode?

13 A. Again, I would defer to the language
14 in the specification. Do you have a specific
15 portion that you are citing?

16 Q. Sure. Take a look at Paragraph 217.

17 A. 217?

18 Q. That's right.

19 A. Okay.

20 Q. Is it your understanding that when a
21 user makes contact with one of the application
22 icons shown in Figure 5A for longer than a

1 predetermined amount of time, that doing so
2 transitions the device in a reconfiguration mode?

3 A. Which line are you seeing?

4 Q. Based on your review of
5 Paragraph 217, is that your understanding, or do
6 you have a different understanding?

7 A. No, it is saying, "in Figure 5A the
8 device detects the contact 5008 with a solitaire
9 application icon 5002-4 for more than a
10 predetermined period of time, (e.g., two seconds)
11 and in response the device enters a user
12 interface reconfiguration mode as illustrated in
13 Figure 5B."

14 So, that is the real disclosure.
15 So, you have to focus on the solitaire application
16 icon.

17 Q. Is the solitaire application icon
18 the only manner of entering the reconfiguration
19 mode?

20 A. Ah, do you see something else?

21 Q. I am asking you a question.

22 A. As I just said, I mean you have to

1 point to me for the disclosure, I can't -- have
2 not memorized the entire disclosure.

3 Q. When you read Paragraph 174, are you
4 left with the impression that the only way to
5 enter the reconfiguration mode is to touch the
6 solitaire icon 5008 for more than a predetermined
7 amount of time?

8 MR. LEVENTHAL: Form.

9 THE WITNESS: That is what it says.

10 And you are asking me to abandon the
11 disclosure and, then just, that is what it
12 said and that is what I said.

13 So, I don't see any other
14 disclosure.

15 BY MR. DARBY:

16 Q. You are not aware of any other
17 disclosures in Chaudhri of entering the
18 reconfiguration mode?

19 A. As I said, I can't remember. I mean
20 this is what the petition relied upon and this is
21 what I rebutted for the reasons in my petition.
22 And if you are trying to come up with a new

1 mapping, utilizing my testimony, I understand
2 that is not allowed.

3 Q. Can you turn to Paragraph 28 of your
4 declaration? This is Exhibit 2005.

5 A. Okay.

6 Q. Here you say "At the time of
7 the '758 patent's December 2011 priority date,
8 touchscreen mobile devices were becoming
9 increasingly capable of more complex tasks that
10 required more control than possible with
11 traditional basic input methods."

12 Do you see that?

13 A. I do.

14 Q. And, what do you mean by more
15 complex tasks, here?

16 A. Doing multiple functions is an
17 example.

18 Q. Can you think of any other examples?

19 A. No. Not at this point.

20 Q. And what do you mean by doing
21 multiple functions?

22 A. Like a phone call and writing an

1 e-mail message.

2 Q. And what is complex about a phone
3 call or writing an e-mail message?

4 A. That is certainly more complex than
5 making just a phone call.

6 Q. I think I am misunderstanding.
7 Are you saying making a phone call
8 and writing an e-mail message at the same time?

9 A. That is one example. Certainly not
10 the only one. But, that is one.

11 Q. Is that what you were referring to?

12 A. I was giving an example of what I
13 was referring to.

14 Q. Is making a phone call a complex
15 task?

16 A. Again, it all depends. I mean,
17 there is no simple answer. It depends on the
18 context.

19 Q. Is writing an e-mail message a
20 complex task?

21 A. It can be. It depends on the
22 context. If you are including images, you are

1 doing a variety of attachments and -- it all
2 depends on the context.

3 Q. Okay. And tasks like making a phone
4 call and writing an e-mail message, in your view,
5 required more control than was possible with
6 traditional basic input methods?

7 MR. LEVENTHAL: Form.

8 THE WITNESS: Again, these are
9 examples of different types of functions. I
10 don't mean to limit them to anything. I am
11 saying at the time of the priority date,
12 touchscreen mobile devices were becoming
13 increasingly more capable of more complex
14 tasks.

15 BY MR. DARBY:

16 Q. And what are basic input methods?

17 A. Again, an example could be some sort
18 of scrolling wheel of some kind.

19 Q. I'm sorry, when you said basic input
20 methods here, are you talking about input methods
21 for touchscreen mobile devices, or something
22 else?

1 A. I was talking mobile devices in
2 general and scrolling wheel is an example of
3 basic input method.

4 Q. You go on to say at Paragraph 28,
5 "As more capable and precise sensors were being
6 placed in mobile devices, the corresponding
7 options for designers were increasing."

8 Do you see that?

9 A. Yes.

10 Q. And what did you mean by more
11 capable and precise sensors?

12 A. Things like accelerometers and more
13 advanced touchscreens, for example. Again, these
14 are simple examples.

15 Q. And when you say the options for
16 designers were increasing, what did you mean by
17 that?

18 A. Choices, typically. Because you
19 have to take into account more constraints, more
20 objective functions that certainly come into
21 view. Therefore, how do you select a feature,
22 how do you select a function, how do you call

1 certain applications. They are all recognized by
2 the inventors of the '758 as important issues.

3 Q. Okay. Can you turn to Paragraph 53
4 of your declaration.

5 A. Which PDF is that? Which PDF page?

6 Q. It is 30.

7 A. 30. 58 you said?

8 Q. 53. On page, PDF 30.

9 A. Okay, 53, okay. I am on 53.

10 Q. Okay. You mention here U.S. Patent
11 Number 10,671,212.

12 Do you see that?

13 A. I do.

14 Q. Okay. And you call it a family
15 member?

16 A. Again, I understand it was called a
17 family member based on the legal guidance that I
18 received.

19 Q. So, counsel for patent owner Smith
20 told you that the '212 patent is a family member
21 of the '758 patent?

22 A. Yes.

1 Q. Did you happen to check if the '212
2 patent is listed in the cross-referenced
3 applications of the '758 patent?

4 A. I believe they all depend on
5 the '918 provisional as well.

6 But again, I don't offer here a
7 legal opinion. This is what I understand and
8 this is what looked correct from a technical
9 point of view. Because they all rely on a common
10 provisional, the '918.

11 Q. And, who selected the '212 patent
12 for you to take a look at?

13 Did you decide to take a look at
14 that yourself or did counsel ask you to look at
15 that?

16 A. I had provided an opinion on
17 the '212 as well. So I believe it was, no, I
18 provided a declaration on the '212 as well, I
19 believe.

20 So I am familiar with it and that is
21 why I had the discussion with the counsel.

22 Q. You note a particular difference

1 here in some of the language that is recited in
2 the claims of the '212 versus the language that
3 is recited in the claims of the '758.

4 Is that an accurate characterization
5 of your Paragraph 53?

6 A. For the reasons that I describe in
7 Paragraph 53. So, the paragraph is
8 self-contained. It says that they recite a touch
9 versus the touch. And then it talks about the
10 first single-finger touch.

11 Q. And how did you notice this
12 difference between the language of the '212
13 patent's claims and the language of the '758
14 patent's claims.

15 Did you compare them side by side?

16 A. As I said, I wrote a declaration on
17 the '212. I was familiar with that and I had a
18 discussion with the counsel.

19 So, these are generally consistent
20 with my understanding from a technical point of
21 view.

22 Q. Did you notice any other

1 distinctions between the language in the claims
2 of the '212 patent and the language in the claims
3 of the '758 patent that you thought were relevant
4 to this case?

5 A. I don't recall the specific
6 distinctions.

7 But, if they are not referenced in
8 my declaration, I will not be relying on those
9 issues that are not in my declaration.

10 Q. Did you consider whether any other
11 of the distinctions between the '212 patents
12 claimed and the '758 patent claims might
13 contradict your understanding of the '758?

14 A. As I said, I am familiar with both
15 patents and I didn't see any contradiction of my
16 opinions.

17 But, I didn't delve further on that.
18 So, as of the declaration, this is all I have to
19 say.

20 Q. Okay. Can you turn to Paragraph 93
21 of your declaration.

22 A. Okay.

1 Q. Here you say that Chaudhri, or that
2 "existing disclosures of Chaudhri teach away from
3 assigning a long touch to calling the App
4 Snapshot.

5 Do you see that in Paragraph 93?

6 A. Yes.

7 Q. And, what is your understanding of
8 what it means to teach away?

9 A. Again, I understand that I provide
10 many written basis why, I mean to be clear I
11 provide several reasons why the petitioner series
12 and modifications are flawed.

13 One of the reasons these listed in
14 Paragraph 93, so my answer should not be
15 construed as the teaching of A is the only
16 argument I'm making.

17 But, in this context of 93,
18 Paragraph 93, my understanding is that one of
19 ordinary skill in the art would understand that
20 Chaudhri provides other solutions that discourage
21 one of ordinary skill in the art from carrying
22 out the modification. Because it could, for

1 example, conflict with what Chaudhri already
2 discloses or Chaudhri, for example, discourages
3 or forbids or is not possible under the options
4 of Chaudhri.

5 That is again a technical
6 interpretation. I don't wish to give an
7 impression that it is a precise definition of
8 teaching it.

9 But one of ordinary skill in the art
10 would understand that this is not something they
11 would choose. And it certainly, it would teach
12 them it is not a suitable option.

13 Q. Turn to Paragraphs 113 through 122.

14 A. Okay.

15 Q. I will give you a minute to just
16 refresh yourself on those paragraphs.

17 A. Okay. I have looked at that.

18 Q. Okay. And, is it fair to say that
19 here you are proposing a modification to Chaudhri
20 that adds a small circle in the corners of the
21 application icons during the normal mode of the
22 device?

1 A. First of all, I contest the
2 petition's grounds of this combination for the
3 reasons I disclose.

4 And as a part of this analysis, I
5 raise many different arguments and their basis to
6 rebut those grounds.

7 In the context of Section C,
8 Paragraph 113, I provide yet additional reasons
9 why the petitioner's combination is unavailing.
10 And here it is wherein that context I would say
11 that if you followed the teachings of Chaudhri, a
12 POSITA would understand that you could use that
13 green colored, green colored object in the manner
14 taught by Chaudhri to invoke the context menu of
15 Martin, to the extent that that combination read
16 something that you wanted to do for reasons that,
17 even taking on the face value basis, the
18 petitioner's arguments.

19 So, this would be the sort of
20 referred and more, and suitable solution compared
21 to the contrived problems -- problems created by
22 the contrived combination proposed by the

1 petition as discussed in my declaration in these
2 several sections.

3 BY MR. DARBY:

4 Okay. Why don't we take a break
5 here, Um. Come back ten after.

6 THE WITNESS: Okay.

7 (Recess taken -- 3:03 p.m.)

8 (After recess -- 3:13 p.m.)

9 BY MR. DARBY:

10 Q. Dr. Madiseti, how many hours did
11 you spend developing the opinions that are
12 expressed in your declaration?

13 A. I don't have the exact number. But
14 I would say something around 80 to 100 hours.

15 Q. And when did that 80 to 100 hours of
16 work take place?

17 A. Between February and April or
18 around a -- yeah, around that time frame.

19 Q. And did you personally write this
20 declaration?

21 A. I worked with the attorneys and the
22 opinions are mine, the discussions are mine. The

1 attorneys certainly provided editorial help.

2 Q. And what do you mean by editorial
3 help?

4 A. Making sure that the English looks
5 good and complete and the claims are correctly
6 referenced and the opinions are done in the
7 precise way, any lawyer talk.

8 Q. And did you read the patent owner
9 response brief?

10 A. I saw it later. Yes, I did.

11 Q. And did you consider the patent
12 owner response brief as you were preparing your
13 declaration? Or did you read it after the fact?

14 A. I read it after the fact. I didn't
15 read that before.

16 Q. And, what is the hourly rate you
17 charge Smith for preparing this declaration?

18 A. 700.

19 Q. And have you been paid by Smith for
20 your work in preparing this declaration?

21 A. As I said, I was a bit delayed in
22 submitting invoices and so I believe that it will

1 be done in a timely manner.

2 Q. Does that mean that you have not
3 been paid for your work on this declaration?

4 A. As I said, it will be in process.
5 But, I have not yet been, I have not received the
6 money. But, I understand it should be processed.

7 Q. Can you turn to Paragraph 22 of your
8 declaration.

9 A. Okay.

10 Q. It is a short one. Can you just
11 read it out loud for the record?

12 A. I am reading from Paragraph 22. "My
13 opinions are based on my education, training, and
14 experience as well as items that I reviewed to
15 prepare my opinions, including the petition, the
16 documents listed in the expert list including
17 with the petition, the deposition tranche -- the
18 deposition of Dr. Cockburn," Dr. Cockburn's, I
19 think that is a typo, "the deposition of
20 Dr. Cockburn and any other items that I reference
21 in my below analysis."

22 Q. Did you review any other documents

1 besides those listed here?

2 A. I think that my declaration contains
3 all of the documents that I reviewed. I don't
4 believe I have omitted anything.

5 Q. Did you conduct any research or look
6 for any additional evidence that might support
7 your opinions?

8 A. I don't believe so.

9 Q. Did you review any of your, the
10 patents that you hold on graphical user
11 interfaces in preparing this declaration?

12 A. No.

13 Q. Did you review any of your prior
14 declarations from any of your prior patent cases
15 on graphical user interfaces in preparing this
16 declaration?

17 A. No.

18 Q. And why not?

19 A. I didn't see the need to. I mean,
20 there is some common biographical information in
21 many of my declarations.

22 So, but, there was nothing

1 technically relevant, to the best of my
2 knowledge.

3 Q. Paragraph 22 of your declaration
4 says that you reviewed the documents listed in
5 the exhibit list included with the petition,
6 right?

7 A. Yes.

8 Q. Okay. And you read each and every
9 one of the documents that are in the petition's
10 exhibit list, is that accurate?

11 A. Yes. I reviewed them and responded
12 to those that were specifically referenced in the
13 petition and its declarations that were attached.

14 Q. I'm not understanding what you mean
15 by those that were specifically referenced.

16 What do you mean by that?

17 A. As I said, I mean it is an issue of
18 relevance and depth at which you review.

19 And so my focus was on rebutting and
20 providing a declaration that rebuts the opinions
21 of the petitioner's expert and provides the basis
22 for the rebuttal.

1 I was not here to do any independent
2 assessment of every document on the record. So,
3 in that context, it was a focused piece of work
4 for this declaration.

5 Q. Dr. Madisetti, when were you engaged
6 by Smith Interface Technologies to work on this
7 IPR?

8 A. I believe it was sometime in
9 February.

10 Q. That is when you were first
11 contacted by a representative from Smith?

12 A. The counsel for Smith.

13 Q. Do you recall who specifically
14 contacted you?

15 A. I believe it was Mr. Leventhal.

16 Q. And had you worked with
17 Mr. Leventhal before?

18 A. I believe maybe once or twice a long
19 time ago.

20 Q. Had you ever heard of Smith before
21 being contacted about an engagement regarding
22 the '758 patent?

1 A. I don't -- did I hear about who?

2 Q. Had you ever heard of Smith, the
3 patent owner that you are engaged by?

4 A. I don't recall one way or the other.
5 I reviewed a lot of patents in this area. So, it
6 is possible that I did. It is possible that I
7 did not.

8 But I don't recall one way or the
9 other.

10 Q. Okay. And, did you do any research
11 or look into Smith in any way before engaging to
12 be an expert in this matter?

13 A. I believe I, I may have looked at
14 the patents and before the engagement, I, or
15 concurrent with it or something like that.

16 Q. Are you aware that the '758 patent
17 was asserted against Apple in a District Court
18 litigation that Smith filed at the Southern
19 District of California back in 2023?

20 A. That is my understanding, you mean
21 in the -- I don't know which court, which case.
22 But I understand there was, there is some

1 litigation. I thought it was Texas. But, I
2 didn't know.

3 Q. And were you engaged to work on any
4 aspect of any litigation between Smith and Apple?

5 A. No. Not to my knowledge.

6 Q. Don't you have knowledge of the
7 scope of your engagement with Smith?

8 A. No. As I said, I mean if IPR is a
9 part of the litigation, I don't know what that
10 means.

11 But, my understanding is that if IPR
12 is distinct from the industry litigation, then I
13 am distinct.

14 Q. To the best of your knowledge have
15 you reviewed any documents that were prepared,
16 filed, or served in any District Court litigation
17 between Apple and Smith?

18 A. I have not reviewed the infringement
19 contentions.

20 Q. Have you reviewed any documents
21 prepared, filed, or served for the District Court
22 litigation involving Smith and Apple to the best

1 of your knowledge?

2 A. I have not.

3 Q. Do you recall being engaged --

4 A. I can't hear you, counsel.

5 Q. Apologies, withdraw the question.

6 Do you recall being engaged by

7 Facebook in a matter, an IPR matter against

8 Express Mobile as the patent owner?

9 A. This must have been several years
10 ago.

11 Q. But, do you recall?

12 A. Yes, at a high level, yes.

13 Q. Do you recall, do you recall being
14 engaged in IPRs by Meta Platforms, Incorporated
15 and IPRs against Mobile Data Technologies as the
16 patent owner?

17 A. Again, I believe it is sometime ago.

18 Q. So to be clear, you recall being
19 engaged by Meta; it was just a long time ago?

20 A. I believe so.

21 Q. Do you recall being engaged by LG
22 Electronics in an IPR against Pantech Corporation

1 as the patent owner?

2 A. Yes.

3 Q. And do you recall offering testimony
4 in all three of those matters that we just talked
5 about?

6 A. Yes.

7 Q. You put in declarations in those
8 IPRs?

9 A. I believe so.

10 MR. DARBY: Okay, I don't have any
11 further questions. I pass the witness.

12 MR. LEVENTHAL: I don't have any
13 redirect.

14 THE WITNESS: Thank you, I would
15 like to review the transcript and sign.

16 (Whereupon, signature not having
17 been waived, the deposition suspended at 3:28
18 p.m. EST)

19 * * *

20

21

22

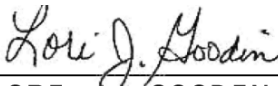
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15 My Commission expires: May 12, 2028

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18 My Commission expires: August 2, 2025

19 DISTRICT OF COLUMBIA, WASHINGTON DC

My Commission expires: June 1, 2026

20

STATE OF DELAWARE: COUNTY OF KENT

21 My Commission expires: September 9, 2025

22

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2 98 San Jacinto Boulevard, Suite 1100
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3
Case: Apple Inc. v. Smith Interface Technologies, LLC
4 Date of deposition: July 22, 2025
Deponent: Vijay K. Madisetti, Ph.D.

5
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7 The deponent may come to this office to sign the transcript,
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12 signature page to counsel noticing the deposition, noting the
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5 Witness Name: Vijay K. Madisetti, Ph.D.
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7 and examined the foregoing pages
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9 Witness Name: Vijay K. Madisetti, Ph.D.

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