

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

\_\_\_\_\_)

APPLE INC.,

Petitioner,

v.

IPR2024-01090

SMITH INTERFACE

US Patent No.

TECHNOLOGIES, LLC,

10,725,581

Patent Owner.

\_\_\_\_\_)

DEPOSITION OF MARK P. MAHON, PH.D.

June 19, 2025

10:00 a.m. Eastern Time

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

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DIGITAL EVIDENCE GROUP  
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Washington, D.C. 20036  
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1                   REMOTE DEPOSITION of  
2                   MARK P. MAHON, PH.D.,  
3    in the above-titled action, held on Thursday,  
4    June 19, 2025, commencing at approximately 10:00  
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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2 WITNESS: MARK P. MAHON, PH.D.

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| 10 |                                                   |                |
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1 THURSDAY, JUNE 19, 2025, 10:00 a.m.

2 PROCEEDINGS

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4 \* \* \*

5 Whereupon,

6 MARK P. MAHON, PH.D.,

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

10 \* \* \*

11 MR. DARBY: Okay. For the record,  
12 this deposition is addressing the inter  
13 partes review proceeding assigned case number  
14 IPR 2024-01090, regarding U.S. Patent  
15 Number 10,725,581. We will refer to this  
16 patent as the '581 patent today.

17 This is Kenneth Darby speaking for  
18 petitioner, Apple. The witness is Dr. Mahon.

19

20 EXAMINATION

21 BY MR. DARBY:

22 Q. Dr. Mahon, before we get going, I'm

1 going to cover a series of ground rules and other  
2 preliminaries. Is that okay with you?

3 A. Yes, sir.

4 Q. Okay, because this is a remote  
5 deposition, we are using video conferencing  
6 equipment.

7 So, there is going to be a slight  
8 delay in our communications. So, let's just both  
9 be very careful to speak slowly and try not to  
10 interrupt one another.

11 Is that fair?

12 A. That is fair.

13 Q. Okay. And if I ask you a question  
14 today and you don't understand it, please ask me  
15 to rephrase or to clarify my question.

16 Is that fair?

17 A. Yes, that is also fair.

18 Q. Okay. And I will assume you  
19 understand my question if you answer it.

20 Is that fair?

21 A. Yes.

22 Q. Okay. Even though we are remote,

1 you understand that you are under oath today, and  
2 you are providing testimony just like you would  
3 be if you were in front of a judge or a jury.  
4 Right?

5 A. Yes, I do.

6 Q. And remember that you remain under  
7 oath for as long as this examination persists.

8 So, even during the breaks, you are  
9 still under oath. Okay?

10 A. Yes.

11 Q. Is there any reason you cannot give  
12 true and accurate testimony today?

13 A. No, there is not.

14 Q. Great. So, I will try to take a  
15 break about every hour or so.

16 But, if you need a break before I  
17 offer one, you can just let me know. Okay?

18 A. I will, yes. Thank you.

19 Q. All right. All I ask is that if  
20 there is a question pending, that you answer the  
21 pending question before we go on break. Is that  
22 fair?

1           A.     Understood.

2           Q.     And when we come back from breaks, I  
3 will ask you whether you had any discussions with  
4 any person about the substance of your testimony  
5 today.

6                     And those kinds of discussions are  
7 prohibited. Is that understood?

8           A.     Yes, it is.

9           Q.     Okay. Please also don't consult any  
10 notes or documents during the breaks. Will you  
11 agree to do that?

12          A.     Yes.

13          Q.     If at any point you are having any  
14 technical difficulties or any sort of emergency,  
15 just let us know. We will pause, get everything  
16 worked out and then come back on the record.

17                     Is that fair?

18          A.     Yes, it is.

19          Q.     Is there anyone in the room with you  
20 today?

21          A.     No, there is not.

22          Q.     Okay. And you understand that you

1 cannot communicate with anybody verbally or  
2 nonverbally during the examination, right?

3 A. Correct.

4 Q. And just to confirm, you are not  
5 communicating with anyone now, using any sort of  
6 instant messenger, phone, anything like that?

7 A. That is correct.

8 Q. Okay. And do you have any programs  
9 running on your computer right now beyond Zoom,  
10 to your knowledge?

11 A. I have my browser open to the Zoom  
12 link that was provided to me by counsel. And I  
13 do have a -- I closed it. I had a clean version  
14 of the '581 patent open, but I just closed it.

15 Q. Okay. So, for now, you just have  
16 the web browser open to the Zoom link and the  
17 Zoom application open?

18 A. Correct.

19 Q. Okay. I'm going to ask you not to  
20 use that web browser during the examination.

21 Would you agree to do that?

22 A. Yes, sir.

1 Q. And you don't have any notes or any  
2 papers with you right now; is that correct?

3 A. I have one piece of paper on which I  
4 have a list of several typos I noticed in my  
5 report.

6 Q. Can you hold up that piece of paper  
7 to the camera, please?

8 A. Sure.

9 Q. And do you have an electronic copy  
10 of that paper?

11 A. No. I printed this out. So, I just  
12 typed it up and printed it out. I don't have --  
13 I can create one, certainly.

14 Q. Okay. We will put a pin in that for  
15 now.

16 If you could, just set that piece of  
17 paper aside, until we get to the portion where I  
18 ask if you have any typographical errors that you  
19 would like to correct.

20 And I will give you an opportunity  
21 for that.

22 A. Thank you.

1           Q.     Okay. For the exhibits that we will  
2 talk about today from this IPR proceeding, I will  
3 upload a copy of each document into the Zoom chat  
4 when we get there.

5                     And I'll ask that you only use the  
6 copy that I provide to you through the Zoom chat  
7 feature for today's deposition.

8                     Will you agree to do that?

9           A.     Yes, I will.

10          Q.     Okay. Dr. Mahon, who is your  
11 current employer?

12          A.     Penn State University.

13          Q.     And what is your current job title  
14 at Penn State University?

15          A.     I am a Professor of Electrical  
16 Engineering and Computer Science.

17          Q.     Have you held any other job titles  
18 at Penn State University?

19          A.     Yes. I was a research faculty  
20 member from 1991 through 2002 and then from 2003  
21 through 2015.

22          Q.     Any other job titles at Penn State

1 University?

2 A. No.

3 Q. And are you currently employed  
4 anywhere else beyond Penn State University?

5 A. No.

6 Q. Have you ever been retained before  
7 as an expert witness in any legal proceeding  
8 beyond the current IPR proceeding that we are  
9 talking about today?

10 A. Yes, I have.

11 Q. About how many times?

12 A. Probably about somewhere in the  
13 range of 25 to 30 times, somewhere in there.

14 Q. And approximately how many of those  
15 cases were patent cases?

16 A. They all dealt with patent cases --  
17 patents. They all dealt with patents.

18 Q. And were any of those cases focused  
19 on user interfaces for touchscreen devices?

20 A. Well, certainly touchscreen devices.  
21 And user interfaces did come into play in various  
22 cases.

1           Q.     Are you able to identify any of the  
2     cases that were particularly focused on user  
3     interfaces for touchscreen devices?

4           A.     Well, the first case that comes to  
5     mind was -- well, my first case I was involved in  
6     dealt with user interfaces.

7                     And that is the first one that comes  
8     to mind.

9           Q.     And who were the parties in that  
10    case?

11          A.     That was Core Wireless.

12          Q.     And were you engaged by Core  
13    Wireless in that case?

14          A.     Yes, I was.

15          Q.     Have you ever provided live  
16    testimony in front of a judge or a jury?

17          A.     Yes, I have.

18          Q.     Approximately how many times?

19          A.     I believe the total is four or five  
20    times.

21          Q.     Have you ever served as an expert  
22    witness in an IPR before?

1 A. Yes, I have.

2 Q. Approximately how many times?

3 A. Roughly seven or eight times.

4 Q. Has any court or the board ever  
5 deemed your testimony inadmissible, to the best  
6 of your knowledge?

7 A. No, they have not.

8 Q. Has any court or the board ever  
9 found your testimony not credible or unreliable,  
10 to the best of your knowledge?

11 A. No, they have not.

12 Q. Are you an inventor on any domestic  
13 or foreign patents, to your knowledge?

14 A. No. As part of my research work  
15 that I discussed earlier for the Applied Research  
16 Lab at Penn State University, we were a  
17 university affiliated research center, a UARC, as  
18 a trusted agent for the government, and they  
19 owned all of the property rights for any of the  
20 work that we did.

21 And as part of that work,  
22 particularly our management, but also the

1 government, discouraged us from filing any  
2 intellectual property. But that is a long answer  
3 to say, no, I am not listed as an inventor on any  
4 patents.

5 Q. For this proceeding, you have been  
6 engaged by Smith Interface Technologies LLC; is  
7 that correct?

8 A. That is correct.

9 Q. Okay. And we will just call them  
10 Smith for today, if that is okay with you?

11 A. That is fine with me.

12 Q. And you understand that Smith is the  
13 patent owner in this proceeding, correct?

14 A. That is my understanding, yes.

15 Q. When were you first contacted by  
16 Smith regarding a potential engagement with  
17 respect to the '581 patent? Just the timing, not  
18 any substance of any communication you may have  
19 had with anyone.

20 A. I believe it was some time in the  
21 late last year. I don't remember the exact date.

22 Q. How about the month?

1           A.     I meant to refresh my memory on  
2     this. I, I am going to guess, October time  
3     frame, but I'm not sure.

4           Q.     So, to the best of your knowledge  
5     sitting here today, you were first contacted  
6     regarding a potential engagement with respect to  
7     the '581 patent in October of 2024?

8           A.     That is just a vague recollection.  
9     It is some time in that time frame, yes.

10          Q.     Do you recall who contacted you?

11          A.     I do not.

12          Q.     Was it someone from a law firm?

13          A.     Yes.

14          Q.     Which law firm?

15          A.     Well, that would be, I believe it  
16     was Norton Rose Fulbright. I don't remember  
17     talking to anybody else.

18          Q.     And had you ever heard of Smith  
19     before you were contacted about an engagement  
20     with respect to the '581 patent?

21          A.     Not that I can recall.

22          Q.     And did you look into Smith, do any

1 research about them, to see what they were all  
2 about before you accepted the engagement?

3 A. I might have browsed a little bit,  
4 but I don't recall doing any in-depth study.

5 Q. And when you browsed, did you learn  
6 anything about Smith's business?

7 MS. DEBROW: Objection to form.

8 THE WITNESS: Nothing -- in terms of  
9 looking into Smith, I have, again, a vague  
10 recollection of possibly browsing.

11 Again, I don't know whether I did or  
12 did not. So, I don't recall any particulars  
13 from whatever actions I did take.

14 BY MR. DARBY:

15 Q. Do you know anything about Smith's  
16 business now?

17 A. Not other than what is the  
18 technology engaged in this patent.

19 Q. Did you look at the '581 patent  
20 before you accepted the engagement?

21 A. Yes. I believe I did, yes.

22 Q. And you felt comfortable with the

1 subject matter of the '581 patent?

2 A. Certainly.

3 Q. So, you were familiar with mobile  
4 devices, portable devices, back in the 2011 time  
5 frame?

6 A. Very, yes.

7 Q. And would you agree that handheld  
8 devices are a type of mobile or portable device?

9 A. They certainly can be, yes.

10 Q. And would you agree that smartphones  
11 and tablets are two types of handheld devices?

12 A. Yes.

13 Q. Okay. And handheld devices with  
14 touchscreens were fairly popular back in 2011?

15 MS. DEBROW: Objection to form.

16 THE WITNESS: Well, my recollection  
17 in that time frame, obviously, the iPhone and  
18 other devices were coming out in circa 2007,  
19 2008, 2009.

20 And, they were becoming more  
21 popular, and they were introduced to markets.  
22 I think I still had a BlackBerry during this

1           time frame and switched over to one of the  
2           graphical user devices right before, or  
3           somewhere around that time frame.

4                     But, anyway, they certainly were  
5           becoming more popular at that time.

6   BY MR. DARBY:

7           Q.     Just stepping back. So, to the best  
8           of your recollection, you entered into an  
9           engagement with Smith regarding the '581 patent  
10          back in October of 2004 -- 2024, excuse me.

11                    Is that accurate?

12          A.     To the best of my recollection, and  
13          as I said that is a vague recollection. I could  
14          easily go back and look, but I unfortunately  
15          didn't do that.

16          Q.     And are you aware that Smith  
17          submitted a preliminary response to Apple's  
18          petition in this IPR proceeding on October 23rd,  
19          2024?

20          A.     I believe that date is correct.

21          Q.     And when did you first learn about  
22          the preliminary response that Smith submitted in

1     this IPR?

2             A.     My recollection is some time this  
3     year, early this year.

4             Q.     And have you read Smith's  
5     preliminary response?

6             A.     I have looked through it, yes.

7             Q.     When is the last time you looked  
8     through Smith's preliminary response?

9             A.     Probably a month ago or so.

10            Q.     And were you aware of Smith's  
11     preliminary response to Apple's petition  
12     regarding the '581 patent before you prepared  
13     your declaration in this proceeding?

14            A.     Yes.

15            Q.     And did you review the preliminary  
16     response in preparation for today's deposition?

17            A.     I might have opened it to  
18     double-check a couple of references.

19                    I don't -- I didn't go through it in  
20     detail to prepare for today. But, as part of the  
21     preparation, I certainly might have examined it.

22            Q.     Are you aware that Smith also

1 engaged another expert, Mr. -- excuse me,  
2 Dr. Mark Davis, who submitted a declaration that  
3 accompanied Smith's preliminary response?

4 A. I have heard Dr. Davis's name  
5 previously.

6 Q. And did you know that Dr. Davis  
7 submitted a declaration that accompanied Smith's  
8 preliminary response?

9 A. That is my understanding.

10 Q. When did you first learn about  
11 Dr. Davis's declaration?

12 A. Well, I learned that he had  
13 submitted a declaration some time again this  
14 spring, probably.

15 Q. Did you know about Dr. Davis's  
16 declaration when you prepared your declaration?

17 A. Again, just in if reference to that,  
18 he had submitted the declaration previously.  
19 That is the extent to which I was aware.

20 Q. So, you didn't read it?

21 A. I did not.

22 Q. Did you ever ask to read it?

1 A. No.

2 Q. Did anyone ever offer it to you to  
3 read?

4 A. I was not asked to read the  
5 document, no.

6 Q. Have you ever met Dr. Davis?

7 A. Not that I can recall, no.

8 Q. So, you have never spoken with him  
9 regarding any subject matter pertinent to this  
10 proceeding?

11 A. Correct.

12 Q. Do you know who he is?

13 A. I do not, no.

14 Q. Are you aware that the board issued  
15 an institution decision in this IPR proceeding on  
16 January 22nd, 2025?

17 A. That is my understanding, yes.

18 Q. And when did you first learn about  
19 the board's institution decision?

20 A. Again, some time early this year.

21 Q. And did you read it?

22 A. Yes. I read it, again some time

1 when I first found out about it.

2 Q. And so had you read it before you  
3 prepared your declaration in this proceeding?

4 A. Yes.

5 Q. Going back to the preliminary  
6 response and the institution decision. Do you  
7 recall your first impression when you read those  
8 documents?

9 A. In what respect?

10 Q. In the respect of whether or not you  
11 agreed or disagreed with them?

12 A. Well, as far as the institution  
13 decision was concerned, I just read it as how the  
14 board viewed the positions on both sides. So, I  
15 just reviewed them from the perspective of  
16 subjectivity -- or objectivity, I'm sorry.

17 To take it as just factual  
18 information at that point in time would be my  
19 first recollection.

20 And that is how I usually consume  
21 all documents, just to get factual understanding  
22 and understanding context.

1           Q.     Do you recall anything specific from  
2     the institution that you do not agree with?

3           A.     Well, I, in my report, I certainly  
4     take a perspective from, based on my analysis and  
5     based on my experience and the perspective of a  
6     person of ordinary skill in the art.

7                     With respect to that, if any of  
8     those positions are particularly opposed to the  
9     board, certainly, you know, I would say that is  
10    where we disagree.

11          Q.     Dr. Mahon, I'm going to send you --  
12    I already have sent you in the Chat Exhibit 1001,  
13    1001 in this case.

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

17    BY MR. DARBY:

18          Q.     Please let me know when you have  
19    been able to access that.

20          A.     Okay, I have it open.

21          Q.     And do you recognize this document  
22    as a clean copy of the '581 patent?

1           A.     Yes, I do.

2           Q.     And did you review the '581 patent  
3     in preparation for today's deposition?

4           A.     Yes, I did.

5           Q.     And are you prepared to answer  
6     questions about the '581 patent today?

7           A.     Yes, I am.

8           Q.     For the record, any questions I ask  
9     you about the substance of the '581 patent during  
10    today's deposition, I would like for you to  
11    answer from the perspective of a person of  
12    ordinary skill in the art.

13                   Can you do that?

14          A.     Yes, I can.

15          Q.     And will you agree to do that?

16          A.     Yes, I will.

17          Q.     When preparing your declaration for  
18    this proceeding, did you study the '581 patent in  
19    detail?

20          A.     Yes, I did.

21          Q.     Okay. It is a pretty long document.

22                   Did you read it from cover to cover?

1           A.     Again, when I prepared for the  
2     deposition, I didn't re-read the entire document  
3     again.

4                     But, certainly over the course of my  
5     study of it, I read every page of the document.

6           Q.     Okay. And you had read every page  
7     of the document when you were preparing your  
8     declaration?

9           A.     Yes, I did.

10          Q.     Okay. So, if I point you to any  
11     passages or figures of the '581 patent, it is  
12     fair to say that you have looked at those  
13     materials before today, correct?

14          A.     Yes. I would have reviewed that  
15     material before today.

16          Q.     And before you prepared your  
17     declaration, correct?

18          A.     That is correct.

19          Q.     Okay. Please turn, if you could, to  
20     the paragraph that begins at Column 1, Line 9 of  
21     the '581 patent. Let me know after you have had  
22     a minute to study that paragraph.

1           A.     Column 1, Line 9.

2                     Yes, I have refreshed my memory.

3     And yes, I have reviewed that section -- this  
4     part of the patent before.

5           Q.     Okay. And just to make sure we are  
6     looking at the same paragraph, this is the  
7     paragraph under the subheading, Cross-Reference  
8     to Related Applications, right?

9           A.     Correct.

10          Q.     Okay. And so, would you agree with  
11     me that this is a paragraph cross-referencing all  
12     of the patents and applications that are related  
13     to the '581 patent?

14                     MS. DEBROW: Objection to form.

15                     THE WITNESS: Well, certainly this  
16     paragraph lays out that these documents are  
17     described as a continuation of the claims and  
18     priorities to various applications and  
19     filings.

20                     So, that is my understanding of what  
21     that paragraph is.

22     BY MR. DARBY:

1           Q.     And did you review each of the  
2     patents and applications that are listed in this  
3     paragraph?

4           A.     No, I did not.

5           Q.     Did you review any of them?

6           A.     Certainly, yes.

7           Q.     Which ones did you review?

8           A.     The Provisional Application  
9     Number 61/581,918 application.

10          Q.     Any others?

11          A.     Not that I can recall, no.

12          Q.     And would you agree with me that the  
13     entire contents of all of these patents and  
14     patent applications are incorporated by reference  
15     into the '581 patent?

16          A.     They are stated as being  
17     incorporated into the patent by reference as in  
18     the last line in that paragraph.

19          Q.     So, is it possible that any of these  
20     patents and patent applications might contain  
21     subject matter that would be pertinent to your  
22     opinions in this proceeding?

1 MS. DEBROW: Objection to form.

2 THE WITNESS: Well, I was asked to  
3 review the '581 patents and obviously the  
4 petition and prior art associated with that.

5 I reviewed the '918 application.

6 Beyond that, I can't characterize  
7 the contents of the other documents. So, I  
8 would be speculating there. But, certainly,  
9 the paragraph says that the documents are  
10 incorporated by reference.

11 BY MR. DARBY:

12 Q. Is it fair to say that you do not  
13 know whether they contain subject matter that  
14 might be pertinent to your opinions in this  
15 proceeding?

16 A. That would be fair.

17 Q. Why did you select the '981 patent  
18 application -- excuse me. Let me strike that.

19 Why did you select the '918  
20 provisional application to review, when preparing  
21 your declaration?

22 A. The provisional application was

1 provided to me by counsel, and I was asked to  
2 review it.

3 Q. But you were not asked to review any  
4 of the other patents or patent applications in  
5 this paragraph?

6 A. Not that I can recall, no.

7 Q. Did you ask to review any of them?

8 A. No, I did not.

9 Q. Okay. Please turn to Column 102,  
10 Line 50. Let me know when you are there --  
11 actually strike that. I led you to the wrong  
12 place.

13 A. Okay.

14 Q. Please turn to, please turn to the  
15 paragraph that begins at Column 91, Line 65.

16 A. Okay. I am there.

17 Q. Okay. Please take a few minutes to  
18 review the subject matter that starts at  
19 Column 91, Line 65 and goes all of the way  
20 through Column 102, Line 40.

21 Let me know when you've had a chance  
22 to do that.

1           A.     Okay. And you said up to what  
2     column and line?

3           Q.     Column 102, Line 40.

4           A.     Okay, I have reviewed it.

5           Q.     Okay. And would you agree with me  
6     that this section of the '581 patent that you  
7     have just reviewed is identifying and  
8     incorporating by reference a number of different  
9     patent applications?

10          A.     Yes.

11          Q.     And did you review each of these  
12     patent applications?

13          A.     No, I did not.

14          Q.     Did you review any of them?

15          A.     Not that I can recall, no.

16          Q.     Did you ask to review any of them?

17          A.     No, I did not.

18          Q.     So, is it possible that any of these  
19     patent applications in this section that you just  
20     reviewed might contain subject matter that would  
21     be pertinent to your opinions in this proceeding?

22          A.     It is certainly possible. My

1 original reading of this section of the patent  
2 was that it certainly did incorporate a lot of  
3 particular, or various functionality associated  
4 with user interaction with devices.

5 So, certainly it is possible.

6 MR. DARBY: Okay. Let's take a  
7 break.

8 (Recess taken -- 10:43 a.m.)

9 (After recess -- 10:57 a.m.)

10 BY MR. DARBY:

11 Q. Dr. Mahon, welcome back. Just to  
12 confirm, you didn't discuss the substance of your  
13 testimony today with anybody during the break,  
14 correct?

15 A. Correct.

16 Q. And you didn't consult any notes or  
17 anything like that during the break, correct?

18 A. Correct.

19 Q. Okay, do you still have the '581  
20 patent, Exhibit 1001, handy?

21 A. Yes, I do.

22 Q. Please turn to Column 102, Line 50,

1 and let me know when you are there.

2 A. Okay. I am there.

3 Q. All right. Do you agree that this  
4 is Claim 1 of the '581 patent?

5 A. Yes, I do.

6 Q. Okay. Take a moment to refresh  
7 yourself on Claim 1. Let me know when you are  
8 done.

9 A. Okay.

10 Q. And do you agree that Claim 1 of  
11 the '581 patent includes three clauses that begin  
12 with the word "when"?

13 A. Yes, I do.

14 Q. And just to make sure we are on the  
15 same page, these clauses begin at Column 103  
16 around Line 10 or 11?

17 A. That is correct.

18 Q. And they extend all of the way down  
19 to Line 55 of Column 103?

20 A. Yes, they do.

21 Q. And is it your understanding that  
22 each of these clauses defines a distinct scenario

1 with one or more conditions and one or more  
2 functions?

3 MS. DEBROW: Objection to form.

4 THE WITNESS: Well, each one of  
5 these elements describe conditions and  
6 actions associated with the claim.

7 BY MR. DARBY:

8 Q. Okay. I was using the word  
9 "functions." Would you prefer that we use the  
10 word "actions"?

11 A. As long as I understand the context,  
12 I -- and if I don't, I guess I would ask  
13 questions.

14 But, yes, you could -- actions is a  
15 little more clear.

16 Q. Okay. Let's start with the first  
17 scenario. This is the clause that begins at  
18 Column 103, Line 10 or 11, extends down to  
19 Line 17.

20 Can you just please read that claim  
21 language out loud for the record?

22 A. Yes. "When the first web page is

1 displayed via the user interface of the network  
2 browser application, the duration of the first  
3 contact is determined to be less than a first  
4 user-configurable predefined duration and the end  
5 of the first contact is detected.

6 "Avoid display, on the first web  
7 page, a result of any operation based on the  
8 first contact."

9 Q. And what is your understanding with  
10 respect to the action in that clause; which part  
11 is the action?

12 A. The claim element describes that the  
13 action is to avoid display on the first web page,  
14 a result of any operation based on a first  
15 contact.

16 Q. And do you have an understanding of  
17 what that means to a person of ordinary skill in  
18 the art?

19 A. Yes.

20 Q. What is your understanding regarding  
21 the type of logical operations that a person of  
22 ordinary skill in the art would employ to trigger

1 the action of avoiding display on the first web  
2 page a result of any operation based on the first  
3 contact?

4 A. In this claim element, it lays out  
5 some preconditions, and the logic would be based  
6 on those preconditions.

7 Q. And from a logic or programming  
8 perspective, how would one cause the device to  
9 avoid display?

10 A. Well, you can do it in multiple  
11 ways. One, certainly a software developer can  
12 decide to implement different, several different  
13 tactics to avoid display, or avoid display on the  
14 first web page a result of any operation.

15 And so I wouldn't limit it to any  
16 particular methodology, but certainly there is  
17 multiple approaches that could be taken.

18 Q. Okay. Can you think of a specific  
19 methodology right now?

20 MS. DEBROW: Objection to form.

21 THE WITNESS: Well, as I said -- and  
22 I wasn't asked to construct any, obviously,

1           example code for doing this.

2                   But, certainly, a software engineer  
3           would take into account that the fact that  
4           you have these preconditions and you would be  
5           looking for those preconditions. And then as  
6           a result you could create another function  
7           that prevents or avoids the display.

8                   You could fall into a particular  
9           finite state machine that does the same  
10          thing. There are multiple ways you can do  
11          this.

12   BY MR. DARBY:

13           Q.     When you say fall into a finite  
14          state machine, can you explain what you mean by  
15          that?

16           A.     Well, I used the word "fall,"  
17          meaning you can create a state, using a finite  
18          state machine that controls, for example, a  
19          display access or display on this first web page.  
20          That is one way to do that.

21                   And then within that state machine,  
22          you can prevent, as a result, any operation from

1 being displayed on the first web page.

2 Q. Can you think of any other examples?

3 MS. DEBROW: Objection to form.

4 THE WITNESS: Again, I -- from the  
5 perspective of a person of ordinary skill in  
6 the art, there is many ways to do it.

7 But, I didn't flesh out any  
8 particular specific examples. And I could  
9 certainly spend time to do that, but I am not  
10 prepared to do that right now.

11 BY MR. DARBY:

12 Q. So, just to clarify, you didn't  
13 spend time thinking about all of the many ways  
14 that a person of skill in the art might avoid  
15 display, as recited in this first scenario?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: No. What I'm saying  
18 is that in my analysis of the patent in the  
19 prior art with respect to this claim element,  
20 from the perspective of a person of ordinary  
21 skill in the art, that they would understand  
22 that there is many ways you can do this.

1                   And it is not prescribed as a  
2           particular way that it must be done, other  
3           than the preconditions must be met and the  
4           action must be taken.

5   BY MR. DARBY:

6           Q.     Is it your opinion that the '581  
7           patent specification discloses this first  
8           scenario?

9                   MS. DEBROW:  Objection to form.

10  BY MR. DARBY:

11           Q.     I will rephrase the question.  
12           Apologies.  I will withdraw and rephrase the  
13           question.

14                   Do you know if the '581 patent  
15           specification discloses this first scenario?

16                   MS. DEBROW:  Objection to form.

17                   THE WITNESS:  Well, again, from the  
18           perspective of a person of ordinary skill in  
19           the art, this claim element is clearly  
20           understood to have certain preconditions and  
21           an action to be taken.

22                   The '518 patent addresses this area

1 of user interface devices and interaction  
2 with those devices.

3 So, certainly from that perspective,  
4 it is clear to a person of ordinary skill in  
5 the art what needs to occur based on this  
6 claim element.

7 BY MR. DARBY:

8 Q. Okay. Please take as much time as  
9 you need.

10 But, I would like you to point me to  
11 where in the '581 patent specification you  
12 believe discloses this first scenario that we  
13 have been talking about, beginning at Column 103  
14 and extending through Lines 11 through 17.

15 A. The entire patent, again, is  
16 disclosed towards the, as the title is, states  
17 specifically, "User interfaces for manipulating  
18 user interface objects with visual or haptic  
19 feedback."

20 And the entire patent, I would say  
21 supports, from the perspective of the person of  
22 ordinary skill in the art, the scope of what a

1 person of ordinary skill in the art would  
2 understand with respect to interacting with user  
3 interfaces.

4 And the claim elements is not  
5 outside that knowledge of a person of ordinary  
6 skill in the art, certainly.

7 Q. What do you mean by supports?

8 A. The specification itself discusses  
9 in detail and various embodiments, interaction  
10 with a mobile device with limited space,  
11 graphical user interfaces, different ways to  
12 interact with the device.

13 And from a POSITA's perspective,  
14 there is nothing in that claim language that is  
15 not discussed within and overall throughout the  
16 specification.

17 Q. Okay. Can you point me to an  
18 example in this specification that in your view  
19 supports this first scenario that we have been  
20 discussing, beginning at Column 103 and extending  
21 through Lines 11 through 17?

22 MS. DEBROW: Objection to form.

1 THE WITNESS: Again, I would just  
2 point to the entire specification.

3 BY MR. DARBY:

4 Q. Can you point to a specific example?

5 MS. DEBROW: Objection to form.

6 THE WITNESS: I would again just --  
7 I don't know how else to answer it other than  
8 the entire specification supports the claim  
9 language and that claim -- those claim  
10 elements.

11 BY MR. DARBY:

12 Q. Okay. So, if I understand your  
13 position, it is that the entire specification  
14 supports the first scenario we have been talking  
15 about at Column 103, Lines 11 through 17.

16 Is that accurate?

17 A. Yes.

18 Q. Okay. And what specifically is your  
19 understanding of the word "supports"?

20 A. The scope of the contents of  
21 the '581 patent, the words and disclosures within  
22 the claim and the elements are well within the

1 understanding of a person of ordinary skill in  
2 the art with respect to this technical field and  
3 what is being disclosed within the elements, is  
4 clear to a person of ordinary skill in the art.

5 Q. And are you able to point to any  
6 disclosure in the specification of the '581  
7 patent that describes avoiding display on the  
8 first web page a result of any operation based on  
9 the first contact?

10 MS. DEBROW: Objection to form.

11 THE WITNESS: Again, that is within  
12 the capabilities and understanding of a  
13 POSITA. Those words would be able to be  
14 implemented by a POSITA in terms of  
15 implementing this claim element.

16 It is not outside their  
17 understanding with respect to the technical  
18 area of this claim element and/or the patent.

19 BY MR. DARBY:

20 Q. Is it explicitly described in  
21 the '581 patent?

22 MS. DEBROW: Objection to form.

1 THE WITNESS: The -- again, the  
2 technical area is discussed throughout  
3 the '581 patent. And it is clear to a person  
4 of ordinary skill in the art that that action  
5 needs to be taken based on the preconditions  
6 in that claim element.

7 BY MR. DARBY:

8 Q. Can you point me to where, by column  
9 and line number, this technical area is discussed  
10 in the specification of the '581 patent?

11 MS. DEBROW: Objection to form. You  
12 have asked this same question like many times  
13 and he has provided you his answer.

14 THE WITNESS: Again, I would point  
15 to the entire specification as disclosing to  
16 a person of ordinary skill in the art support  
17 for this claim element based on their  
18 understanding and knowledge in this area.

19 BY MR. DARBY:

20 Q. Did you ever check the specification  
21 to see if the precise words "avoid display on the  
22 first web page as a result of any operation based

1 on the first contact" appear in the specification  
2 of the '581 patent?

3 A. I don't recall specifically  
4 searching for that string of words put together  
5 throughout the -- in the patent.

6 I certainly read the entire patent.  
7 And as I said, from a POSITA's perspective, it is  
8 certainly within their understanding and within  
9 their skill set to be able to understand this  
10 claim element.

11 Q. Okay. Let's move to the second  
12 scenario. The second clause that begins with the  
13 word "when." And this one begins at Column 103  
14 and extends through Lines 18 through 32.

15 Can you take a moment to just  
16 refresh yourself on that language?

17 A. Yes. Okay.

18 Q. Okay. This one is a bit longer than  
19 the first scenario, so let's break it up.

20 Please read out loud for the record  
21 the portion of the second scenario that you  
22 believe to be the conditions.

1           A.     "The first web page is displayed via  
2     the user interface of the network browser  
3     application.

4                     "The duration of the first contact  
5     is determined to be greater than the first  
6     user-configurable predefined duration and less  
7     than a second user-configurable predefined  
8     duration.

9                     "The first contact point of the  
10    first contact is determined to correspond with  
11    the location of the hyperlink of the first web  
12    page.

13                    "It is not determined that there is  
14    the contact movement of the first contact between  
15    the first contact point and the second contact  
16    point, and the end of the first contact is  
17    detected."

18           Q.     And can you read out loud for the  
19    record the portion of the second scenario that  
20    you believe to be the action?

21           A.     "Replace the display on the first  
22    web page with the second web page via the user

1 interface of the network browser application."

2 Q. And is it your understanding that  
3 the second scenario requires the first contact to  
4 have ended with a duration that is greater than  
5 the first duration?

6 MS. DEBROW: Objection to form.

7 BY MR. DARBY:

8 Q. Let me withdraw and rephrase the  
9 question.

10 Is it your understanding that the  
11 second scenario requires the first contact to  
12 have ended, having a duration that is greater  
13 than the first user-configurable predefined  
14 duration?

15 A. The preconditions include that the  
16 contact duration of the first contact is greater  
17 than the first user-configurable predefined  
18 duration and less than a second user-configurable  
19 predefined duration.

20 It also has the conditions I listed  
21 before with respect to the first contact point is  
22 determined to correspond with the location of the

1     hyperlink of the web page, as well as determining  
2     that there is -- it is not determined that there  
3     is the contact movement of the first contact  
4     between the first contact point and the second  
5     contact point, as well as the end of the first  
6     contact is detected.

7                     So, it is certainly in there, but it  
8     has other conditions.

9             Q.     Okay. And, is it your understanding  
10    that the conditions of the first scenario can  
11    exist simultaneously with the conditions of the  
12    second scenario?

13                    MS. DEBROW: Objection to form.

14                    THE WITNESS: I am not sure what you  
15    are asking.

16    BY MR. DARBY:

17             Q.     I am asking if the first scenario is  
18    mutually exclusive of the second scenario because  
19    their conditions can or cannot exist at the same  
20    time?

21                    MS. DEBROW: Objection to form.

22                    THE WITNESS: Well, the first "when"

1 clause is disclosed as having preconditions  
2 that need to be met in order for the action  
3 to take place.

4 The same is true for the second  
5 "when" clause in Claim 1. If those  
6 conditions are met, then the action is taken  
7 based on those claim elements.

8 BY MR. DARBY:

9 Q. Can the conditions of the first  
10 scenario be true at the same time as the  
11 conditions of the second scenario?

12 MS. DEBROW: Objection to form.

13 THE WITNESS: The first "when"  
14 clause and the second "when" clause, for  
15 example, has "the first web page displayed  
16 via the user interface of the network browser  
17 application."

18 There are two separate statements.  
19 They have the same exact words. And with  
20 respect to that condition, it only requires  
21 that a first web page is displayed via the  
22 interface of the network browser application.

1                   There is no other conditions in  
2           there that says what else or what can't else  
3           be occurring at the same time.

4                   With respect to the duration of the  
5           first contact in the first "when" clause, it  
6           says that the duration of the first contact  
7           is determined to be less than a first  
8           user-configurable predefined duration and the  
9           end of the first contact is detected.

10                  In the second one, the duration of  
11           the first contact is determined to be greater  
12           than the first user-configurable predefined  
13           duration and less than a second  
14           user-configurable predefined duration.

15                  And then obviously it also includes  
16           that the first contact is detected.

17                  So, those are similar preconditions,  
18           but they have different boundaries associated  
19           with them.

20                  The first contact must be less than  
21           a first user-configurable redefined duration  
22           in the first one that must be met.

1                   And, in the second one, what must be  
2           met is that the first contact must be greater  
3           than that threshold and less than a second  
4           threshold.

5                   That is clear, clearly stated as a  
6           precondition in that second "when" clause.

7   BY MR. DARBY:

8           Q.     Would you agree with me that the  
9           first contact cannot be less than a first  
10          user-configurable predefined duration and at the  
11          same time greater than a first user-configurable  
12          predefined duration?

13          A.     Both clauses include the end, the  
14          end of the first contact is detected. So with  
15          respect to that, certainly if you are detecting  
16          the end of the first contact, it can't be less  
17          than and greater than at the same time.

18          Q.     And is your understanding that this  
19          means the first scenario and the second scenario  
20          are mutually exclusive?

21                   MS. DEBROW: Objection to form.

22                   THE WITNESS: From a person of

1       ordinary skill in the art's perspective  
2       reading these, you can understand that when  
3       you are looking for those preconditions and  
4       they are met, you are going to take the  
5       action based on those preconditions. Whether  
6       it is the first or the second clause, or the  
7       "when" clause, you are going to take the  
8       action based on those preconditions.

9               It is not complicated to a person of  
10       ordinary skill in the art in terms of  
11       understanding how that is going to occur.

12   BY MR. DARBY:

13           Q.     And is it your opinion that the '581  
14   patent specification discloses this second  
15   scenario?

16           MS. DEBROW: Objection to form.

17           THE WITNESS: Again, from  
18   perspective of a person of ordinary skill in  
19   the art, there is nothing in this claim  
20   element that is outside of their skill set or  
21   their understanding in the technology area.  
22   And the technology area disclosed in the '581

1           patent supports -- the entire patent supports  
2           this claim element.

3   BY MR. DARBY:

4           Q.     And you wouldn't point to any  
5           specific example in the specification. You would  
6           just point to the entire patent?

7                   MS. DEBROW: Objection to form.

8                   THE WITNESS: The entire contents of  
9           the patent are disclosed within the scope of  
10          the claim element in terms of what the  
11          technology is geared towards, how users  
12          interact with it.

13                  They will be well understood by a  
14          person of ordinary skill in the art as within  
15          their capability and skill sets and their  
16          exposure to the areas of user interface  
17          technology at that point in time.

18                  So, I would point to the entire  
19          contents of the patent.

20   BY MR. DARBY:

21           Q.     And did you happen to look in the  
22           specification of the '581 patent to see if these

1 exact words in the second scenario are described  
2 in the specification or appear in the  
3 specification?

4 MS. DEBROW: Objection to form.  
5 Objection to form.

6 THE WITNESS: So, the contents of  
7 the claim element certainly are, as I have  
8 said before, discussed throughout the entire  
9 specification.

10 I did not do a word search to match  
11 the entire claim element to the patent, so I  
12 did not perform that search.

13 But, in my review of the patent,  
14 there is plenty of discussion throughout the  
15 patent associated with the technology area  
16 that would provide the person of ordinary  
17 skill in the arts and support their  
18 understanding for what the -- what is being  
19 disclosed and what the claim element is  
20 intending to occur, for that person of  
21 ordinary skill in the art to be able to  
22 understand the invention.

1 BY MR. DARBY:

2 Q. Okay. Let's move to the third  
3 scenario. This is the clause that begins with  
4 the word "when."

5 It starts at Column 103, goes  
6 through Lines 33 through 55. This is another  
7 long one so we will break it up again.

8 Can you read out loud for the record  
9 the portion of the third scenario that you  
10 believe to be the conditions?

11 A. Yes. "When the first web page is  
12 displayed via the user interface of the network  
13 browser application, the duration of the first  
14 contact is determined to be greater than the  
15 second user-configurable predefined duration.  
16 The first contact point of the first contact is  
17 determined to correspond with the location of the  
18 hyperlink of the first web page.

19 "It is not determined that there is  
20 the contact movement of the first contact between  
21 the first contact point and the second contact  
22 point and the end of the first contact is not

1 detected."

2 Q. And can you read out loud for the  
3 record the portion that you believe to be the  
4 actions?

5 A. Yes. "Output, utilizing the  
6 actuator, a first feedback that is perceptible by  
7 touch and display, a menu including at least one  
8 option for, in response to a detection of a  
9 selection thereof, performing an operation on a  
10 web address associated with the hyperlink of the  
11 first web page, and further display at least a  
12 portion of the second web page, such that at  
13 least the, at least portion of the second web  
14 page is displayed and at least one first virtual  
15 display layer which appears above at least one  
16 second virtual display layer that includes at  
17 least a portion of the user interface of the  
18 network browser application that remains at least  
19 partially visible."

20 Q. I asked you some questions earlier  
21 about whether the conditions of the first  
22 scenario and the second scenario can occur at the

1 same time.

2 I'm going to ask you the same  
3 question with regard to the third scenario.

4 Can the conditions of the third  
5 scenario occur at the same time as the conditions  
6 of the first scenario in your view?

7 MS. DEBROW: Objection to form.

8 THE WITNESS: Well, again, I would  
9 reference my answers with respect to the  
10 first versus the second and the first versus  
11 the third.

12 There are preconditions that need to  
13 be met and actions that need to be taken in  
14 this third "when" element.

15 If those preconditions are met, it  
16 is clear to a person of ordinary skill in the  
17 art with respect to the third "when" clause  
18 that the stated action must be taken when  
19 those conditions are met.

20 BY MR. DARBY:

21 Q. Can the conditions of the third  
22 scenario be met at the same time the conditions

1 of the first scenario are met?

2 MS. DEBROW: Objection to form.

3 THE WITNESS: Well, again, there is  
4 preconditions associated with the third  
5 scenario that are not within the first  
6 scenario.

7 But, you can look at, for example,  
8 the first web page being displayed, and that  
9 is in both scenarios.

10 Well, can they be both scenarios --  
11 that precondition in both scenarios? Yes.

12 The third scenario states that the  
13 first contact is determined to be greater  
14 than the second user-configurable predefined  
15 duration, which again is not discussed in  
16 that first claim element.

17 That is a separate precondition in  
18 the third claim element.

19 So, the first claim element is not  
20 looking for that. It is not disclosed  
21 towards that.

22 Can the end of the first contact in

1       the first "when" clause occur before the  
2       first user-configurable predefined duration  
3       and the end of -- or the fact in the third  
4       one that it claims that the -- or I'm sorry,  
5       it -- yeah, it does assert that the, or  
6       discloses that the -- and the end of the  
7       first contact is not detected.

8               Can it be detected and not detected  
9       at the same time? Again, that -- those are  
10      two separate clause elements on two  
11      different, first contact -- first one has an  
12      end point. The second one is being  
13      determined to not have ended.

14             Those are two separate things.

15             So, those two claim elements are  
16      addressing pre -- different preconditions at  
17      that point.

18   BY MR. DARBY:

19             Q.     And you agree that the contact  
20      cannot be both detected as ending and detected as  
21      not ending at the same time, correct?

22             A.     The entire set of the preconditions

1 must be met. And certainly if you detect the end  
2 of the first contact, that would fall outside of  
3 the precondition of the third "when" scenario.

4 Q. So, then would you agree that the  
5 first scenario and the third scenario cannot  
6 occur at the same time?

7 MS. DEBROW: Objection to form.

8 THE WITNESS: The entire scenario  
9 includes preconditions and actions.

10 So, I would simply say that if the  
11 preconditions are met for that scenario, the  
12 action must be taken for Scenario 1 and 3, as  
13 we are discussing now.

14 I don't know how better to explain  
15 that.

16 BY MR. DARBY:

17 Q. Does the '581 patent specification  
18 disclose the third scenario?

19 MS. DEBROW: Objection to form.

20 THE WITNESS: The third scenario of  
21 the third "when" clause of Claim 1, to a  
22 person of ordinary skill in the art, is

1 consistent. And as I had mentioned before,  
2 throughout the specification the technology  
3 area, as well as the knowledge of a person of  
4 ordinary skill in the art, is reflected in  
5 the specification and throughout the  
6 specification.

7 And that certainly would enable the  
8 understanding of a person of ordinary skill  
9 in the art to be able to understand what is  
10 being disclosed here as part of the invention  
11 for the '581 patent.

12 BY MR. DARBY:

13 Q. I am trying to understand what you  
14 mean by that.

15 Are you saying that a person of  
16 ordinary skill in the art, basically knows about  
17 all of these different elements like detecting  
18 the end of the contact and tracking duration and  
19 those sorts of things, so that when they read the  
20 words of the claim, they understand what it  
21 means?

22 MS. DEBROW: Objection to form.

1 THE WITNESS: What I am saying is  
2 from my perspective and experience in this  
3 area and reading the specification and the  
4 claim elements that what is being disclosed  
5 in each one of these clauses would be well  
6 understood by a person of ordinary skill in  
7 the art.

8 And I would have been, for example,  
9 able to hand this to one of my engineers in  
10 this time frame and tell them to basically  
11 implement this, and they would have been able  
12 to do so.

13 BY MR. DARBY:

14 Q. Because the underlying technology  
15 would have been known to a person of skill in the  
16 art. Is that what you are saying?

17 MS. DEBROW: Objection to form.

18 THE WITNESS: I am saying that each  
19 one of these, each element here is not, not  
20 beyond the scope of a person of ordinary  
21 skill in the art's understanding of what is  
22 being disclosed, is what I'm saying.

1                   They understand what is being

2           disclosed within this claim element.

3   BY MR. DARBY:

4           Q.     And is it this like the other

5   scenarios where you wouldn't point to any

6   specific example in the '581 patent specification

7   as disclosing this scenario, but you would

8   instead point to the entire patent?

9           MS. DEBROW:  Objection to form.

10           THE WITNESS:  That, throughout the

11   entire specification, the entire patent, it

12   is being discussed in various ways and

13   perspectives to a person of ordinary skill in

14   the art.

15   BY MR. DARBY:

16           Q.     Can you point me by column and line

17   number to one of the various ways and

18   perspectives that it is disclosed?

19           MS. DEBROW:  Objection to form.

20           THE WITNESS:  I would just say that

21   you could go through the entire patent and

22   point to many, many sentences and many

1 paragraphs to do so.

2 When you are talking about a web  
3 page, obviously, they all understand,  
4 everybody understands, it is discussed  
5 throughout the patent.

6 So, I would just leave it that it is  
7 disclosed throughout the patent.

8 BY MR. DARBY:

9 Q. I've got to be honest, I feel like  
10 you are dodging my question.

11 I'm asking you if you can point to a  
12 portion of the specification by column and line  
13 number that is consistent with what you are  
14 saying.

15 Are you able to do that?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: Again, if you go  
18 through the patent and you start out with the  
19 disclosures in the abstract, you go through  
20 the figures, obviously, everything that is  
21 being pointed to in the figure sets are well  
22 within the scope of a person of ordinary

1 skill in the art.

2 Understanding that user interaction,  
3 web pages, user contact, pressure being  
4 included, et cetera, et cetera, it has  
5 specific disclosures of a decision tree, for  
6 example, to understand what the logic that is  
7 required to be able to implement, software  
8 functionality and preconditions. It  
9 discusses all of those throughout the entire  
10 patent.

11 And the descriptions, obviously, of  
12 the figure flows and the tree, tree diagrams  
13 all support that.

14 BY MR. DARBY:

15 Q. Okay. Can you turn to Figure 3 of  
16 the '581 patent?

17 A. Okay. I am there.

18 Q. Is this one of the figure flows or  
19 tree diagrams that you were talking about?

20 A. Certainly, Figure 3 is, as you just  
21 said, is in the '581 patent. The specification  
22 discusses Figure 3.

1                   It is a flow diagram that has two  
2   processing elements in it. Well understood by a  
3   person of ordinary skill in the art of what this  
4   is. And then they would be able to read the deep  
5   disclosures and the specifications discussing any  
6   aspects of this figure.

7           Q.     And so are you saying that this  
8   figure discloses the conditions and the actions  
9   of the third scenario that we were just reviewing  
10 together in Claim 1?

11           MS. DEBROW: Objection to form.

12           THE WITNESS: No. I am just saying  
13   that this is a figure in the '581 patent.  
14   The '581 patent discusses this figure. So,  
15   that is all I was trying to convey.

16 BY MR. DARBY:

17           Q.     Is it your opinion that this figure  
18 discloses the conditions and actions of the third  
19 scenario that we were just reviewing together in  
20 Claim 1?

21           MS. DEBROW: Objection to form.

22           THE WITNESS: I am saying the

1        entirety of the patent -- Figure 3 is part of  
2        that entirety, obviously, and well within the  
3        understanding of a person of ordinary skill  
4        in the art's knowledge base that it is  
5        disclosing.

6                    And it is discussed within the  
7        patent specification what is being disclosed  
8        here, "receiving a signal and association  
9        with the touch interface of a device."

10                   Certainly the claim elements discuss  
11        a first contact. We have got a -- you know,  
12        you've got a signal that is going to be  
13        generated.

14                   Knowledge of a person of ordinary  
15        skill in the art is going to understand  
16        certainly that is within the context of what  
17        is being disclosed.

18                   And then in terms of, you know, the  
19        other words of "altering a user experience  
20        utilizing this signal," again that is broad  
21        scope in Figure 3.

22                   Is this specifically associated with

1 disclosing all of the elements and  
2 preconditions of the clauses we have been  
3 talking about? No.

4 But, it certainly is part of that  
5 disclosure and understanding within the '581  
6 patent to a person of ordinary skill in the  
7 art.

8 BY MR. DARBY:

9 Q. When a person of ordinary skill in  
10 the art looks at Figure 3 and understands the  
11 associated disclosure of Figure 3 in the '581  
12 patent, does that teach them all of the  
13 conditions and all of the actions of the third  
14 scenario in Claim 1?

15 MS. DEBROW: Objection to form.

16 THE WITNESS: Well, as I have read  
17 out, there are preconditions associated with  
18 Claim 1. And this figure is again a high  
19 level diagram, well understood by a person of  
20 ordinary skill in the art, to be disclosing  
21 that you have a starting point.

22 You have receiving a signal

1 associated with the touch interface. And  
2 that you are taking another action or  
3 altering a user experience, utilizing that  
4 signal.

5 That is the extent to which a person  
6 of ordinary skill in the art would understand  
7 Figure 3 with respect to the '501 [sic]  
8 patent.

9 BY MR. DARBY:

10 Q. Okay. Can you turn to Figure 4.

11 A. Yes.

12 Q. Is this another one of the flow  
13 diagrams and trees that you were talking about?

14 MS. DEBROW: Objection to form.

15 THE WITNESS: So, Figure 4 is  
16 described within the specification as showing  
17 a method for defining a selection made within  
18 a user interface based in part on contact  
19 pressure.

20 It is clear based on that  
21 description and based on the elements within  
22 the flow diagram here of what it is

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

3                     Is that inconsistent with the  
4           specification? No. It is consistent with  
5           the specification.

6                     Does that fall into the same  
7           technology area and same realm of the claims  
8           that are being discussed? Certainly pressure  
9           sensing and obviously decision trees and  
10          logic are a part of that disclosure of the  
11          claim elements.

12   BY MR. DARBY:

13                 Q.     Are you saying that the claims  
14   require pressure sensing?

15                     MS. DEBROW: Objection to form.

16                     THE WITNESS: No. I'm saying that  
17   the claims require a contact, a first  
18   contact. And to a person of ordinary skill  
19   in the art, you are interacting with the user  
20   interface. And can be various ways to do  
21   that.

22                     But, that would be one way you would

1           be able to do it.

2                   And certainly sensing pressure would  
3           be one mechanism for doing that.

4   BY MR. DARBY:

5           Q.     When a person of ordinary skill in  
6   the art looks at Figure 4 and the corresponding  
7   disclosure of Figure 4 in the '581 patent, does  
8   that teach or disclose to them all of the  
9   conditions and all of the actions of the third  
10   scenario in Claim 1?

11                   MS. DEBROW:  Objection to form.

12                   THE WITNESS:  Again, I have been  
13   consistent in my explanation of what is being  
14   disclosed here throughout the patent with  
15   respect to the claim elements.

16                   All of these figures and the  
17   discussion throughout the patent is  
18   consistent of the knowledge of the person of  
19   ordinary skill in the art in this area of  
20   interacting with user interfaces and logic  
21   for preconditions and then taking actions  
22   based on those logics.

1                   It falls within that scope. I don't  
2           know how better to describe that.

3   BY MR. DARBY:

4           Q.     Do you see any of the specific  
5   conditions from the third scenario in Figure 4?

6           MS. DEBROW: Objection to form.

7           THE WITNESS: Again, the specific  
8   scenario in -- I'm sorry.

9           The specific preconditions in the  
10   third scenario are what is stated in Claim 1,  
11   which I can go back and read them. And --  
12   let me just go back to that.

13           We have a first web page is  
14   displayed via the user interface of the  
15   network browser application. So, that is a  
16   precondition.

17           And if you look at Figure 4, you  
18   have, for example, you have the first  
19   decision element there, the sufficient  
20   pressure going to display selection area.

21           So, when a person of ordinary skill  
22   in the art sees that, they know they are

1       discussing or this figure is disclosing  
2       something about a display area.

3               Is -- do you display a web page on  
4       the display area? Yes.

5               Is this figure associated  
6       specifically with disclosing everything that  
7       is in the -- or specifically disclosing what  
8       is in the third "when" clause? No, it is  
9       not.

10    BY MR. DARBY:

11           Q.     Okay. Can you turn to Figure 6.

12           A.     Okay. I am there.

13           Q.     When a person of ordinary skill in  
14    the art looks at Figure 6 and the corresponding  
15    disclosure of Figure 6 in the '581 patent, does  
16    that teach or disclose to them all of the  
17    conditions and all of the actions of the third  
18    scenario in Claim 1?

19               MS. DEBROW: Objection to form.

20               THE WITNESS: Well, again as I said,  
21    the patent discloses, throughout the patent,  
22    and Figure 6 would be understood within that

1 context of how the logic is supposed to flow  
2 and could flow.

3 And then specific elements and  
4 functional elements associated with the  
5 invention could be implemented or disclosed  
6 as possibly being implemented. And this is  
7 consistent with that.

8 BY MR. DARBY:

9 Q. Do you see any of the specific  
10 conditions or actions from the third scenario in  
11 Claim 1, here in Figure 6 of the '581 patent?

12 MS. DEBROW: Objection to form.

13 THE WITNESS: So, the specification  
14 discloses that "Figure 6 shows a method 600  
15 for determining the context of a contact  
16 pressure-based selection and choosing an  
17 appropriate selection function, in accordance  
18 with one embodiment.

19 "As an option, the method 600 may be  
20 implemented in the context of the  
21 architecture and environment of the previous  
22 figures or any subsequent figures.

1                   "Of course, however, the method 600  
2           may be implemented in any desired  
3           environment. The aforementioned definitions  
4           may apply during the present description."

5                   Again, to a person of ordinary skill  
6           in the art, they understand that Figure 6 is  
7           discussing something and disclosing something  
8           associated with the contact -- with the user  
9           interface.

10                   In this case it is contact  
11           pressure-based. And then performing other  
12           software functions or functionality in  
13           software that can be implemented.

14                   And it is integrated in with all of  
15           the other disclosures, as it says, within the  
16           patent. And certainly it falls within that  
17           scope.

18                   And as I mentioned before, to a  
19           person of ordinary skill in the art, the  
20           disclosures in the claims that we -- or the  
21           claim elements we have been discussing are  
22           also within that scope.

1                   It does not specifically address the  
2           particular or the entire set of preconditions  
3           of the claim elements we have been  
4           discussing.

5   BY MR. DARBY:

6           Q.     Can you turn to Figure 8?

7           A.     Okay.

8           Q.     When a person of ordinary skill in  
9           the art looks at Figure 8 and understands and  
10          considers the corresponding disclosure of  
11          Figure 8 in the '581 patent, does that teach or  
12          disclose to them all of the conditions and all of  
13          the actions of the third scenario in Claim 1?

14                   MS. DEBROW:  Objection to form.  
15          Counsel, this whole line of questioning going  
16          through all of these figures is getting  
17          pretty far afield from the issues on which  
18          Dr. Mahon offered opinions in this case.

19                   MR. DARBY:  Okay.  I disagree with  
20          that.

21   BY MR. DARBY:

22           Q.     I maintain the question.

1           A.     Could you repeat the question,  
2     please?

3           Q.     Sure.   When a person of ordinary  
4     skill in the art looks at Figure 8 and the  
5     corresponding disclosure of Figure 8 in the '581  
6     patent, does that teach them all of the  
7     conditions and all of the actions of the third  
8     scenario in Claim 1?

9                   MS. DEBROW:  Objection to form.

10                  THE WITNESS:  Again, I would go back  
11       to my original discussion and answering the  
12       question of, is the claim element understood  
13       by a person of ordinary skill in the art?

14                  And does the '581 provide them with  
15       context and understanding of how to implement  
16       that invention?  My answer is yes.

17                  And this is part of the disclosure.

18     BY MR. DARBY:

19           Q.     Do you see any of the conditions or  
20     any of the actions from the third scenario of  
21     Claim 1 here in Figure 8?

22                   MS. DEBROW:  Objection to form.

1                   THE WITNESS: Again, I will rely on  
2                   my previous answer which is this is  
3                   understood by a person of ordinary skill in  
4                   the art to disclose aspects of the '581  
5                   patent.

6                   And it is within their understanding  
7                   of how that relates to the technology area  
8                   and what is being disclosed, and then what is  
9                   being discussed specifically in the claim  
10                  elements and how they would go about  
11                  implementing the invention in the claim  
12                  elements.

13 BY MR. DARBY:

14                  Q.       Which, if any, of the conditions of  
15                  the third scenario of Claim 1 are shown in  
16                  Figure 8?

17                  MS. DEBROW: Objection to form.

18                  THE WITNESS: Claim 1 discusses, as  
19                  we have said before, three different  
20                  scenarios. It discusses specific  
21                  preconditions, and those preconditions are  
22                  well understood by a person of ordinary skill

1 in the art.

2 And, what is being disclosed in  
3 Figure 8 is not outside of that understanding  
4 of that person of ordinary skill in the art,  
5 with respect to being able to implement those  
6 preconditions associated with the claim.

7 BY MR. DARBY:

8 Q. Okay. Can you turn to Figure 12?

9 A. Yes, I am there.

10 Q. When a person of ordinary skill in  
11 the art looks at Figure 12 and the corresponding  
12 disclosure of Figure 12 in the '581 patent, does  
13 that teach or disclose to them all of the  
14 conditions and all of the actions of the third  
15 scenario of Claim 1?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: Again, Figure 12  
18 within the patent specification is understood  
19 by a person of ordinary skill in the art.

20 It is within their scope of  
21 capabilities and skill sets to understand  
22 what is being disclosed and how it relates to

1 the entire patent specification and the claim  
2 elements that we have been discussing.

3 BY MR. DARBY:

4 Q. Which of the specific conditions or  
5 actions of the third scenario of Claim 1 do you  
6 see here in Figure 12, if any?

7 MS. DEBROW: Objection to form.

8 THE WITNESS: Figure 12 is disclosed  
9 as a specific set of functional elements  
10 within a flow graph. Again, understood by a  
11 person of ordinary skill in the art, and  
12 within the disclosures within this patent  
13 specification is to be within the scope of  
14 the user interface interactions and certainly  
15 within the scope of their understanding of,  
16 their understanding and their ability to read  
17 Claim Element 1 -- or Claim 1 and the  
18 element's disclosures and understand what is  
19 being disclosed.

20 BY MR. DARBY:

21 Q. And just to be clear --

22 THE WITNESS: Counsel, within the

1 next 10 to 15 minutes, I would need to take a  
2 break for my first meal of the day.

3 MR. DARBY: Understood. I would be  
4 happy to have my first meal of the day now.

5 Does that work for you to take a  
6 break?

7 THE WITNESS: Yes, that would be  
8 great.

9 (Recess taken -- 12:11 p.m.)

10 (After recess -- 1:01 p.m.)

11 MS. DEBROW: Before we launch back  
12 into questions, I just want to make clear one  
13 procedural issue which is renewing the  
14 objection to the line of questions regarding  
15 whether Figures 4, 6, 8, and 12 disclose or  
16 teach certain claim elements as being outside  
17 the scope of Dr. Mahon's declaration.

18 And assuming you are going to  
19 continue with that line of questioning, to  
20 avoid me interrupting you for all of those  
21 objections, can we agree to make that a  
22 running objection for similar questions as to

1 other figures in the '581 patent?

2 MR. DARBY: Just to be clear, my  
3 understanding of your objection is that  
4 whether the figures of the '581 patent  
5 disclose or teach the claim elements as  
6 beyond the scope of Dr. Mahon's declaration.  
7 Is that your position?

8 MS. DEBROW: Yes.

9 MR. DARBY: Okay. I am fine with a,  
10 having -- lodging the objection here and  
11 saying that it applies to similar questions.

12 MS. DEBROW: Okay.

13 BY MR. DARBY:

14 Q. Okay. Dr. Mahon, welcome back.  
15 Just to confirm, did you speak with anybody about  
16 the substance of your testimony during the break?

17 A. No, I did not.

18 Q. And did you review any notes or  
19 communicate with anybody using chat features or  
20 anything like that during the break?

21 A. No, I did not.

22 Q. Okay. We took our break in the

1 middle of a line of questioning that was  
2 addressing the third scenario in Claim 1 of  
3 the '581 patent which is the third "when" clause  
4 at Column 103, Lines 33 through 55.

5 Do you recall that?

6 A. Yes.

7 Q. Okay. Please take a moment, if you  
8 need, to just refresh yourself on that third  
9 scenario. Then I will pick back up on that line  
10 of questioning. Let me know when you are done.

11 A. Okay.

12 Q. And do you see any of the conditions  
13 or any of the actions from the third scenario in  
14 Figure 12 of the '581 patent?

15 MS. DEBROW: Objection to form.

16 THE WITNESS: Again, as we  
17 discussed, the figures of the '581 patent  
18 with respect to the perspective of a person  
19 of ordinary skill in the art and their  
20 general understanding of what is being  
21 disclosed as well as their disclosed  
22 understanding of what is disclosed in the

1       claims, fall within -- based on my experience  
2       and knowledge, fall within the technology  
3       area here.

4               I didn't do an analysis to map the  
5       claim elements to the figures in the patent.  
6       And I was asked to perform an analysis of the  
7       petition presented by Apple and respond to  
8       Dr. Cockburn's declaration, and I did that.

9   BY MR. DARBY:

10           Q.     Just to confirm, I believe you said  
11    you didn't do an analysis to map the claim  
12    elements to the figures of the '581 patent.

13                   Is that accurate?

14           A.     Based on my understanding of your  
15    line of questioning, that is correct.

16                   You are asking me if I did a mapping  
17    of the claim elements to the specific figures  
18    disclosed, and I did not do that.

19           Q.     Did you do a mapping of the claim  
20    elements to the specific text within the  
21    specification of the '581 patent?

22                   MS. DEBROW:  Objection to form.

1 THE WITNESS: Again, my last answer  
2 would be the same here. I certainly took  
3 into consideration what is disclosed in  
4 the '581 patent within the U.S. application,  
5 the '918, as well as what was presented in  
6 the petition and Dr. Cockburn's declaration  
7 and to my analysis.

8 And certainly I performed and  
9 analyzed and also prepared my declaration  
10 from that perspective.

11 BY MR. DARBY:

12 Q. Okay. I'm going to try again, I  
13 don't know that you answered my question.

14 Did you do a mapping of the claim  
15 elements to the text within the specification of  
16 the '581 patent?

17 MS. DEBROW: Objection to form.

18 THE WITNESS: When I read the claim  
19 elements to the '581 patent, I did it from  
20 the plain and ordinary meaning and from a  
21 perspective of person of ordinary skill in  
22 the art as well as the entire disclosure

1           within the '581, as well as the petition and  
2           the declarations. And I presented my  
3           analysis within my declaration.

4   BY MR. DARBY:

5           Q.     But, for example, you didn't provide  
6           in your analysis a corresponding collection of  
7           column and line numbers where the third scenario  
8           of Claim 1 is disclosed in the specification.

9                     Is that fair to say?

10                    MS. DEBROW: Objection to form.

11                    THE WITNESS: I would say if we  
12           would like to take a look at my declaration,  
13           you will see where I am addressing the  
14           assertions put forward by Dr. Cockburn. And  
15           I replied to those with respect to his  
16           analysis.

17                    And I certainly addressed elements  
18           within my declaration associated with the  
19           figure -- certain figures and certain  
20           disclosures within the patent to support my  
21           opinions there.

22                    And I would say that that context

1 provides my -- an understanding of my  
2 analysis of the '581 with respect to the  
3 claim elements.

4 BY MR. DARBY:

5 Q. Okay. Please turn to Figure 16 of  
6 the '581 patent.

7 A. Yes, I am there.

8 Q. When a person of ordinary skill in  
9 the art looks at Figure 16 and the corresponding  
10 disclosure regarding Figure 16 and the '581  
11 patent, does that teach or disclose to them all  
12 of the conditions and all of the actions of the  
13 third scenario in Claim 1?

14 MS. DEBROW: Objection to form.

15 THE WITNESS: Well, as I said, I  
16 discussed Figure 16 in my declaration. I  
17 would be happy to go there just to walk  
18 through my discussion of Figure 16,  
19 associated with both the assertions and with  
20 the disclosures of the '581 patent.

21 I certainly make it clear how they  
22 are related and what is being disclosed from

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

3 BY MR. DARBY:

4 Q. Okay. Can you go to Figure 18.

5 A. Okay. I am there.

6 Q. When a person of ordinary skill in  
7 the art looks at Figure 18 and the corresponding  
8 associated disclosure, Figure 18 of the '581  
9 patent, does that teach them all of the  
10 conditions and all of the actions of the third  
11 scenario in Claim 1?

12 MS. DEBROW: Objection to form.

13 THE WITNESS: Again, I address the  
14 pertinent figures from the '581 patent with  
15 respect to the declaration of Dr. Cockburn as  
16 well as the petition Apple put forward in  
17 this case and my analysis and my findings  
18 from my review of the '581 patent.

19 Within my declaration, I would be  
20 happy to discuss those if we want to go to my  
21 declaration. And otherwise, again this is --  
22 Figure 18 is just part of the '581 patent.

1                   And my analysis obviously included  
2           the entirety of the '581 patent.

3   BY MR. DARBY:

4           Q.     Okay. Can you turn to Figure 26?

5           A.     Okay. I am there.

6           Q.     When a person of ordinary skill in  
7   the art looks at Figure 26 and the corresponding  
8   disclosure of Figure 26 in the '581 patent, does  
9   that teach or disclose to them all of the  
10   conditions and all of the actions of the third  
11   scenario in Claim 1?

12           MS. DEBROW: Objection to form.

13           THE WITNESS: Again, I would refer  
14   to my declaration from my discussion of  
15   the '581 patent with respect to the  
16   assertions put forward by Dr. Cockburn and  
17   within the petition and my analysis of  
18   the '581 patent which would include the  
19   entirety of the '581 patent.

20   BY MR. DARBY:

21           Q.     Did you do a search of the language  
22   of the third scenario of Claim 1 and the '581

1 patent specification to see if those words appear  
2 in the specification?

3 A. I did not copy the entire claim  
4 element and do a search for the words.  
5 Certainly, obviously parts -- certain words are  
6 definitely within the patent specification, but I  
7 did not do a search for the wording as shown in  
8 that claim element to see if it is exactly  
9 reflected at word for word in the patent.

10 Q. So, you are not sure if the language  
11 of the third scenario is reflected in the  
12 specification of the '581 because you haven't  
13 done a search. Is that fair?

14 MS. DEBROW: Objection to form.

15 THE WITNESS: No, I would not say  
16 that is fair.

17 BY MR. DARBY:

18 Q. How would you clarify?

19 A. Well, I performed a very detailed  
20 analysis of both the declaration of Dr. Cockburn  
21 and the petition and their positions they put  
22 forward with respect to the prior art and

1 the '581 patent.

2 As part of that perspective I  
3 obviously analyzed the '581 patent in its  
4 entirety and including the claim elements and  
5 those assertions from the perspective of a person  
6 of ordinary skill in the art.

7 Therefore, I certainly did an  
8 analysis of the specification with respect to  
9 both the assertions put forward by the petition  
10 and Dr. Cockburn, as well as the actual claim  
11 language in the patent.

12 Q. Do you know if the actual claim  
13 language of the third scenario of Claim 1 appears  
14 in the specification of the '581 patent?

15 MS. DEBROW: Objection to form.

16 THE WITNESS: Again, I wasn't asked  
17 to do that analysis or do a word search. No  
18 one asked me to do a word search or word  
19 match.

20 As I said, my analysis included the  
21 entirety of the language in the claim  
22 elements and I did my analysis based on that,

1 as well as their plain and ordinary meaning  
2 from the perspective of a person of ordinary  
3 skill in the art and the assertions made by  
4 Apple and Dr. Cockburn with respect to the  
5 invalidity of the '581.

6 BY MR. DARBY:

7 Q. Okay. Can you turn to Column 1 of  
8 the '581 patent, starting at Line 43?

9 A. Okay. I am there.

10 Q. Okay. And can you review all of the  
11 way down through Column 2, Line 27?

12 A. I will. Okay. I am done.

13 Q. Okay. Would you agree that this  
14 portion of the '581 patent specification includes  
15 at least some of the same words as Claim 1 of  
16 the '581 patent?

17 A. Certainly it includes some of the  
18 same words, yes.

19 Q. Some of the same phrases verbatim?

20 MS. DEBROW: Objection to form.

21 THE WITNESS: It certainly seems to  
22 be very similar, but I would actually have to

1 do a word search to match it up.

2 Like I said, I didn't do a word  
3 search or a word match.

4 So, it seems to be that way. I  
5 can't say for sure.

6 BY MR. DARBY:

7 Q. And so you have never done a  
8 comparison of this language against the language  
9 of Claim 1 of the '581 patent. Is that accurate?

10 A. No.

11 Q. It is not accurate or you didn't do  
12 the comparison?

13 A. No, it is not accurate.

14 Q. Okay. Can you clarify how my  
15 characterization was inaccurate?

16 A. Yes. I -- as I said, I did an  
17 analysis of the patent and including reading  
18 through the entire patent as well as the claim  
19 elements, and certainly within that respect, that  
20 would be included. This would be encompassed  
21 within there, that analysis that I performed.

22 I just did not do a word match. I

1 did not type, take a section of the claim and put  
2 it into the search function to see if the exact  
3 word combination showed up in the patent. I just  
4 didn't do that.

5 Q. Do you know if there are any  
6 differences between the language at Column 1,  
7 Line 43 through Column 2, Line 27 and Claim 1 of  
8 the '581 patent?

9 MS. DEBROW: Objection to form.

10 BY MR. DARBY:

11 Q. Let me withdraw --

12 A. I would again have to do a word  
13 search to be able to do that and I did not do  
14 that.

15 Q. I'm going to withdraw my question  
16 and ask it again just to clarify the record.

17 Do you know if there are any  
18 differences between the language at Column 1,  
19 Line 43 through Column 2, Line 27 of the '581  
20 patent and the language of Claim 1 of the '581  
21 patent?

22 MS. DEBROW: Again, objection to

1 form.

2 THE WITNESS: I did not do a  
3 comparison, word for word, between the  
4 patents. I obviously see right now looking  
5 at it that there is fogging and fading  
6 listed. And I -- those words aren't part of  
7 the Claim 1.

8 But, other than that my answer would  
9 be I did not do a direct comparison. So, I  
10 would not be able to answer that question  
11 other than my analysis included, obviously,  
12 the language in Column 1 and 2 of the '581  
13 patent.

14 BY MR. DARBY:

15 Q. Do you know if this language was  
16 included when the '581 patent was filed?

17 MS. DEBROW: Objection to form. And  
18 also objection as beyond the scope of his  
19 declaration.

20 THE WITNESS: I didn't do an  
21 analysis to see what language was included in  
22 prior applications.

1                   Again, my analysis was based on the  
2           assertion put forward by Apple and  
3           Dr. Cockburn as well as the plain and  
4           ordinary meaning of the claim elements to  
5           respond. And I have included that in my  
6           declaration.

7   BY MR. DARBY:

8           Q.     Okay. Can you look at the face of  
9           the patent, Page 1?

10          A.     Yes.

11          Q.     Okay. And would you agree with me  
12          that the '581 patent was filed on November 18th,  
13          2019, as Application Number 16/687,649?

14          A.     Application number that you  
15          indicated was filed on November 18, 2019, as  
16          indicated on the face of the '581 patent.

17          Q.     Okay. And I will represent to you  
18          that that application was included in the file  
19          history of the '581 patent.

20                   Did you review the file history of  
21          the '581 patent?

22          A.     I did.

1 Q. Did you review application

2 16/687,649?

3 A. I reviewed the -- certainly reviewed

4 and looked at the patent -- the file history. I

5 didn't do an analysis specifically of that

6 application number.

7 Q. Did you look at all of the

8 amendments that were filed in the file history of

9 the '589 patent?

10 A. I scanned through them.

11 Q. And do you recall seeing any

12 amendments that may have added that language from

13 the specification that we were just looking at

14 together, the language at Column 1, Line 43,

15 through Column 2, Line 27?

16 MS. DEBROW: Again, objection to

17 form and outside the scope.

18 THE WITNESS: Again, I don't

19 recall -- well, I didn't analyze the file

20 history for that purpose. I didn't -- I

21 don't recall seeing anything. I just did, as

22 part of my due diligence for responding to

1           the declaration, and the petition, looked at  
2           the file history for those purposes. So that  
3           was not what I was asked to do.

4   BY MR. DARBY:

5           Q.     Assume that this language at  
6   Column 1, Line 43 through Column 2, Line 27 of  
7   the '581 patent was not included in the original  
8   application, would that have any impact on your  
9   analysis in this proceeding?

10           MS. DEBROW: Objection to form.

11           THE WITNESS: Again, that is beyond  
12   the scope of what my declaration is. I  
13   didn't perform that analysis and I'm not  
14   going to do it on the fly.

15   BY MR. DARBY:

16           Q.     Okay. Switching gears a bit. Are  
17   you aware that the dependent claims of a patent  
18   typically further limit an independent claim from  
19   that same patent from which they depend?

20           A.     From the same independent claim,  
21   yes.

22           Q.     And that typically means that the

1 independent claim is broader than the dependent  
2 claim, right?

3 MS. DEBROW: Objection to form.

4 THE WITNESS: Typically the  
5 dependent claim would be encompassed what is  
6 in the independent claim and add additional  
7 limitations.

8 BY MR. DARBY:

9 Q. So, the dependent claims would be  
10 relevant to the understanding of the independent  
11 claim. Is that fair?

12 MS. DEBROW: Objection to form.

13 THE WITNESS: I would say my  
14 analysis of the dependent claim would be  
15 dependent upon the depending claim for  
16 performing my analysis.

17 BY MR. DARBY:

18 Q. I'm sorry. I'm not sure I  
19 understood what you said.

20 Could you repeat that?

21 A. Yes. For the dependent claim, which  
22 encompasses an independent claim, so for a device

1 of a given claim, you are making basically  
2 additional limitations associated with that.

3 You would be providing additional  
4 information associated with what was previously  
5 claimed but within a, as we are talking about, a  
6 dependent claim.

7 So in that respect, you look at the  
8 dependent claim with respect to what was claimed  
9 in the independent claim, and then review the  
10 dependent claim based on that disclosure of the  
11 independent claim.

12 Q. And if I understood your prior  
13 answer correctly, you disagree that the dependent  
14 claim would be pertinent to your understanding of  
15 the independent claim?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: Well, I didn't -- it  
18 certainly could add to my understanding of  
19 it. It could provide additional perspective.  
20 So, from that, certainly it could.

21 BY MR. DARBY:

22 Q. And in this particular proceeding,

1 did any of the dependent claims impact your  
2 understanding of independent Claim 1 of the '581  
3 patent?

4 A. Well, I think I present my analysis  
5 of the dependent claims in my declaration, and I  
6 would be happy to go there to discuss those with  
7 you.

8 Certainly the plain and ordinary  
9 meaning of the dependent claims with respect to  
10 what was disclosed in the independent claims, as  
11 reflected in my analysis and my declaration, is  
12 contained within.

13 So, I would, I would say that  
14 certainly it affected my analysis, and as I  
15 present in my declaration we can discuss that.

16 MR. DARBY: Okay, Dr. Mahon, I have  
17 uploaded Exhibit 1005 in this case into the  
18 Zoom chat feature.

19 (Whereupon, previously marked  
20 Exhibit 1005,  
21 first referral.)

22 BY MR. DARBY:

1           Q.     Please let me know when you have had  
2     an opportunity to access that document.

3           A.     Okay. I am there.

4           Q.     Do you recognize this document as  
5     the Bhumkar reference?

6           A.     I do.

7           Q.     And did you review Bhumkar in  
8     preparing for today's deposition?

9           A.     Yes, I did.

10          Q.     And are you prepared to answer  
11     questions about Bhumkar today?

12          A.     Yes.

13          Q.     For the record, any questions that I  
14     ask you about Bhumkar during today's deposition,  
15     I would like you to answer from the perspective  
16     of a person of ordinary skill.

17                     Can you do that?

18          A.     Yes.

19          Q.     And will you agree to do that?

20          A.     Yes.

21          Q.     When preparing your declaration for  
22     this proceeding, did you study Bhumkar?

1 A. Yes.

2 Q. It is a lot shorter than the '581  
3 patent, but did you read Bhumkar from cover to  
4 cover?

5 A. By order of magnitude, yes.

6 Q. Okay. Can you turn to Paragraph 21  
7 of Bhumkar. Just take a minute, review the  
8 material there. Let me know when you are done.

9 A. Okay.

10 Q. Would you agree that Paragraph 21 of  
11 Bhumkar is describing a web page preview  
12 displayed in a preview window?

13 MS. DEBROW: Objection to form.

14 THE WITNESS: So, the language in  
15 the patent in Paragraph 21 discloses that --  
16 it is discussing a preview of a second web  
17 page linked to a first web page displayed in  
18 a browser and that that preview is displayed  
19 in the preview window associated with the  
20 browser in response to a person control of  
21 events as discussed in the beginning of that  
22 paragraph.

1 BY MR. DARBY:

2 Q. Okay. And do you agree that the  
3 preview window described in Paragraph 21 of  
4 Bhumkar includes a tool bar menu?

5 MS. DEBROW: Objection to form.

6 THE WITNESS: Well, the Paragraph 21  
7 says that the preview window includes a tool  
8 bar for providing access.

9 BY MR. DARBY:

10 Q. Okay. And the tool bar menu  
11 provides multiple selectable options?

12 MS. DEBROW: Objection to form.

13 THE WITNESS: It discloses that it  
14 provides access to one or more functions.  
15 And then it lists those possible functions.

16 BY MR. DARBY:

17 Q. And what are those functions?

18 A. The first function allowing the user  
19 to trace a navigation history within a preview  
20 window. A second function to close the preview  
21 window. Third function to open a communication  
22 interface at which the user can share contextual

1 information concerning the second web page.

2 And the fourth function to maintain  
3 display of the preview window. A fifth function  
4 to display content of the preview window in a  
5 full screen fashion. A sixth function to  
6 accumulate previews/information as a stack  
7 accessible via tool bar.

8 A seventh function to publish either  
9 the url (or other locator/address) or a thumbnail  
10 or the actual page to a server (such as Flickr,  
11 Delicious, et cetera).

12 And an eighth function of converting  
13 the preview to a postcard, for example, as many  
14 contain -- or as may contain a music element that  
15 was attached to the user or from another website  
16 and/or which may also contain a sponsored stamp  
17 providing a vehicle for monetizing the associated  
18 images, for example, via revenue sharing  
19 agreement or other arrangement.

20 Q. Okay. You mentioned Flickr, spelled  
21 F-L-I-C-K-R. Do you know what Flickr is?

22 A. It has been a while. Flickr, I

1 believe -- I would be taking a guess.

2 Certainly, I remember Flickr. I  
3 remember the name Flickr. I don't remember the  
4 functionality associated with Flickr.

5 Video content is coming to mind, but  
6 I don't recall specifically.

7 Q. What about Delicious?

8 A. I don't recall Delicious.

9 Q. Okay. Moving on to Paragraph 22 of  
10 Bhumkar. Do you see where it says, "The preview  
11 window may be configured to permit display of an  
12 RSS feed"?

13 A. Yes, I do.

14 Q. What does the acronym "RSS" stand  
15 for?

16 A. It is a realtime services SMS feed,  
17 so it is a messaging feed.

18 Q. And how does it work?

19 MS. DEBROW: Objection, form.

20 THE WITNESS: Well, again based on  
21 my experience with RSS feeds in the 2000,  
22 specifically, as part of my team's work

1 integrating information feeds, we would  
2 consume those feeds for doing automated  
3 information management that is data fusion.

4 So, if I recall correctly, those  
5 feeds are basically news feeds or messaging  
6 feeds that you can get from a service.

7 BY MR. DARBY:

8 Q. Okay. And do you see at  
9 Paragraph 22 of Bhumkar references a WAP version  
10 of the second web page?

11 A. Yes.

12 Q. What does the acronym "WAP" stand  
13 for?

14 A. That is a browser for our phones  
15 that we used to use back in the day, before there  
16 was basically robust or actually enough screen  
17 space and/or resolution on the screens for  
18 presenting more material other than just text.

19 So, it is a, basically, a browser --  
20 an early version of a browser on a phone,  
21 essentially is what it is.

22 Q. Do you know what the acronym stands

1 for?

2 A. Yes, it has been a while. It is not  
3 popping into my head somehow.

4 Certainly, I used WAPs and utilized  
5 them in the work that we were doing certainly  
6 through the, probably mid-2000s to, you know,  
7 about that time frame.

8 Q. In what kind of work did you use  
9 WAPs in?

10 MS. DEBROW: Objection to form. And  
11 also beyond the scope.

12 THE WITNESS: Well, the work I did  
13 through the 2000s involved a lot of, as I  
14 mentioned, data fusion work. And that would  
15 involve accessing data feeds for various  
16 components of the military at various levels  
17 of the command structure.

18 And so, that was definitely part of  
19 that work.

20 BY MR. DARBY:

21 Q. And so the point of WAP, if I  
22 understand correctly was to provide some less

1     than full or modified version of web pages?

2                   MS. DEBROW: Same objection as to  
3     the prior question.

4                   THE WITNESS: Well, again, I'm just  
5     going based on my recollection. I would have  
6     to refresh it. But, what we were looking at  
7     at the time was that you had hyperlinks being  
8     provided to users.

9                   And then there were some advertisers  
10    that wanted to provide additional information  
11    through those browsers and things like that  
12    based on location of the user.

13                  It was very limited, both in  
14    resolution and content due to, obviously the,  
15    both the resolution technology of the screen  
16    and the amount of information space that  
17    could be -- that was available to display  
18    content.

19    BY MR. DARBY:

20                  Q.     And that is on mobile devices?

21                  MS. DEBROW: Objection to form and  
22    outside the scope.

1 THE WITNESS: Again, that can be  
2 used in various environments. Certainly  
3 there is the WAP implementations were on  
4 various platforms which would include  
5 handheld devices.

6 BY MR. DARBY:

7 Q. And were you using WAPs in the  
8 context of handheld devices?

9 MS. DEBROW: Same objections as to  
10 the prior question.

11 THE WITNESS: Again, the work I was  
12 doing included almost any possible data feed  
13 you can think of, and it would be part of  
14 that work.

15 So we were consuming the data feeds.

16 BY MR. DARBY:

17 Q. When you reviewed Bhumkar for your  
18 work in this proceeding, did you refresh your  
19 understanding on RSS feeds and WAPs or WAP?

20 A. I don't recall that I did,  
21 actually --

22 MS. DEBROW: Objection to form.

1 MR. DARBY: Dr. Mahon, I am going to  
2 send you -- I have just sent you a copy of  
3 Exhibit 2008 in this proceeding through the  
4 Zoom chat feature.

5 (Whereupon, previously marked  
6 Exhibit 2008,  
7 first referral.)

8 BY MR. DARBY:

9 Q. Can you let me know when you have  
10 access to that document?

11 A. Okay. I have it open.

12 Q. Do you recognize this document as  
13 your declaration in this proceeding?

14 A. Yes, I do.

15 Q. And did you review your declaration  
16 in preparing for today's deposition?

17 A. Yes, I did.

18 Q. And are you prepared to answer  
19 questions about your declaration today?

20 A. Yes, I am.

21 Q. Okay. And do you agree that this  
22 declaration contains your complete opinions for

1 this IPR proceeding?

2 A. It contains my opinions for this IPR  
3 proceeding, yes.

4 Q. Okay. And did you personally write  
5 this declaration?

6 A. I didn't write this. I constructed  
7 this declaration along with counsel and reviewed  
8 and edited all sections of this document except  
9 for the boilerplate legal language.

10 Q. Without revealing the content of  
11 any -- or the substance of any conversation that  
12 you had with counsel, what was your role  
13 specifically in preparing the declaration?

14 MS. DEBROW: Objection to form.

15 THE WITNESS: I performed my  
16 analysis and provided my opinions to counsel,  
17 as well as, obviously, drafting certain parts  
18 of this document, as well as editing the  
19 entire document and making sure it reflected  
20 my entire -- my opinion and my analysis.

21 BY MR. DARBY:

22 Q. How many hours did you spend

1 developing your opinions in preparing this  
2 declaration?

3 A. I don't know exact number.  
4 Somewhere upwards and 20, 25 hours, somewhere in  
5 there.

6 Q. Okay. And you prepared this  
7 declaration in the spring of 2025; is that  
8 accurate?

9 A. Yes.

10 Q. Okay. And have you been paid for  
11 your work in preparing the declaration?

12 A. Yes.

13 Q. Okay. Can you turn to Paragraph 33  
14 of your declaration?

15 A. Paragraph 33, yes.

16 Q. Just take a moment to refresh  
17 yourself on that paragraph and on the table below  
18 that paragraph.

19 A. Okay.

20 Q. And at Paragraph 33 of your  
21 declaration you say that you have reviewed in  
22 their entirety all of the exhibits listed in this

1 table, correct?

2 A. Yes.

3 Q. And do you discuss some of the  
4 exhibits in this table throughout your  
5 declaration?

6 A. Yes, I reference them throughout my  
7 declaration.

8 Q. Okay. There are a number of  
9 exhibits that are in this table but that are not  
10 specifically addressed in the analysis of your  
11 declaration.

12 Is that fair to say?

13 A. Yes.

14 Q. And why did you fail to discuss  
15 them?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: I performed my -- all  
18 I can say is I performed my analysis. I  
19 certainly relied on the documents that  
20 were -- that are listed within my reports.  
21 And, you know, that is simply why I  
22 referenced those documents.

1 I don't know how to characterize it  
2 beyond that.

3 BY MR. DARBY:

4 Q. So, you don't have a specific reason  
5 in mind for any of the documents that you did not  
6 discuss in the analysis of your declaration?

7 MS. DEBROW: Objection to form.

8 THE WITNESS: Well, the question as  
9 I understand it, you are saying I  
10 intentionally or rejected, including certain  
11 documents, for a given reason.

12 And I -- that is not how I would  
13 characterize it.

14 I relied on specific exhibits for  
15 supporting my opinion and my analysis, and I  
16 detail that in my declaration.

17 BY MR. DARBY:

18 Q. Okay. And I think I understand why  
19 the exhibits that you cite in the analysis of  
20 your declaration are cited, because they support  
21 your opinion.

22 My question is about the exhibits

1     you did not cite.

2                     Do you have a reason for why you did  
3     not cite them?

4                     MS. DEBROW:  Objection to form.

5                     THE WITNESS:  Well, I tried to  
6     answer that question.  I don't know how to  
7     characterize it more than that other than I  
8     didn't cite to those to support the opinions  
9     I articulate in my declaration.

10  BY MR. DARBY:

11             Q.     Did you review them to confirm  
12  whether they contradict statements that you made  
13  in your declaration?

14                     MS. DEBROW:  Objection to form.

15                     THE WITNESS:  My analysis and my  
16     opinions were formed based on the prior art  
17     presented in this case, as well as the  
18     declaration and petitions and the documents I  
19     cite in my opinion, as referenced in my  
20     declaration.

21  BY MR. DARBY:

22             Q.     Do you know if any of the documents

1 that you did not cite in the analysis of your  
2 declaration contain statements that contradict  
3 your analysis in the declaration?

4 MS. DEBROW: Objection to form.

5 THE WITNESS: I don't recall that  
6 there is any contradictions, but I didn't do  
7 an analysis for direct contradictions in my  
8 opinions.

9 MR. DARBY: Okay. Dr. Mahon, I have  
10 just sent you in the Chat feature of Zoom  
11 Exhibit 2005 in this case.

12 (Whereupon, previously marked  
13 Exhibit 2005,  
14 first referral.)

15 BY MR. DARBY:

16 Q. Please let me know when you have had  
17 a chance to access that document.

18 A. Okay. I am there.

19 Q. Do you recognize this document?

20 A. Yes.

21 Q. What is this document?

22 A. This document is from a post to a --

1 obtained from, obviously, the web archives, but a  
2 post to GitHub from a developer.

3 Q. And how did you obtain this  
4 document?

5 A. I believe that was -- counsel  
6 provided that document to me.

7 Q. Do you know where counsel obtained  
8 this document?

9 MS. DEBROW: Objection to the extent  
10 it calls for privileged information.

11 MR. DARBY: I will withdraw the  
12 question.

13 BY MR. DARBY:

14 Q. Do you rely on this document in your  
15 declaration?

16 A. Yes.

17 Q. And you mentioned that this document  
18 appears to be a post to GitHub that was archived  
19 by the Wayback Machine.

20 Is that your understanding?

21 A. That is what is indicated on the  
22 document, yes.

1           Q.     Okay. And can you tell from the  
2 document, particularly the url at the top of  
3 Page 1 of the document, what date this document  
4 was archived by the Wayback Machine?

5           A.     Well, it appears to have been  
6 archived -- the one that was obtained was  
7 archived in, it appears to be 2020.

8                     But, I don't know when it was first  
9 archived.

10          Q.     You didn't check that?

11          A.     No, I did not go back and reference  
12 that.

13          Q.     Okay. Your position, if I  
14 understand correctly, is that the '581 patent  
15 should be entitled to a priority date back  
16 in 2011.

17                     Is that accurate?

18                     MS. DEBROW: Objection to form. And  
19 also beyond the scope of his declaration.

20                     MR. DARBY: Counsel, just so I  
21 understand, are you representing that the  
22 priority date of the '581 patent is beyond

1 the scope of Dr. Mahon's declaration?

2 MS. DEBROW: You asked him about  
3 whether the '518 [sic] patent should be  
4 entitled to a priority date back in 2011.

5 He didn't offer an opinion about  
6 what priority date the patent should be  
7 entitled to.

8 THE WITNESS: So, I was asked to  
9 provide -- to review the patent and give my  
10 opinions from the prospective of a POSITA  
11 having knowledge of the art.

12 And the date I was told to use was  
13 August 5, 2011.

14 BY MR. DARBY:

15 Q. Okay. If you were using August 5th,  
16 2011, as the date -- the critical date of  
17 the '581 patent, how do you justify relying on a  
18 document archived in 2020 as part of your  
19 analysis?

20 A. Well, as part of my analysis, I  
21 included this document because it was consistent  
22 with my experience from the perspective of a

1 person of ordinary skill in the art of how the --  
2 with respect to gesture analysis. It was  
3 consistent with that was the reason I included  
4 it.

5 Q. Are you familiar with -- let me  
6 withdraw that question.

7 Do you agree that this exhibit,  
8 2005, is addressing the Hammer.JS?

9 MS. DEBROW: Objection to form.

10 THE WITNESS: I'm not sure I  
11 understand your question.

12 BY MR. DARBY:

13 Q. What is the title of this document?

14 A. Well, the title is indicated as  
15 Hammer.JS, which would be understood for  
16 JavaScript.

17 Q. And what is Hammer.JS?

18 A. It is a developer's handle,  
19 basically.

20 Q. And do you know when Hammer.JS first  
21 posted to GitHub?

22 MS. DEBROW: Objection to form.

1 THE WITNESS: Again, I wasn't asked  
2 to do that, and I did not perform that  
3 analysis.

4 BY MR. DARBY:

5 Q. So, you don't know?

6 A. Well, as I said before, what is  
7 presented here is consistent with my  
8 understanding and my knowledge of a person of  
9 ordinary skill in the art, at the time of  
10 August 5th, 2011, so I included it.

11 But I did not perform an analysis to  
12 see if it was posted earlier or not.

13 Q. So, you thought it was fair game  
14 because it is consistent with your understanding  
15 of what was known back in 2011?

16 MS. DEBROW: Objection to form.

17 THE WITNESS: Well, I'm saying it  
18 provides information that is consistent with  
19 that time frame in terms of mobile devices  
20 and interaction with user interfaces, is the  
21 reason I presented it.

22 BY MR. DARBY:

1           Q.     Assuming this document wasn't around  
2     in 2011, if I just represent that to you, would  
3     you still think it is appropriate to cite?

4           MS. DEBROW:  Objection to form.

5           THE WITNESS:  Well, I would say, you  
6     know, I cited to it for the reasons I stated.  
7     And that will be obviously up to the board to  
8     decide whether it is relevant or not or my  
9     arguments were germane, and leave it at that.

10          MR. DARBY:  Okay.  That concludes my  
11     examination today, Dr. Mahon.  Thank you for  
12     your time.

13          I pass the witness.

14          THE WITNESS:  Thank you, sir.

15          MS. DEBROW:  Can we take a quick  
16     break and go off the record?

17                 (Recess taken -- 2:00 p.m.)

18                 (After recess -- 2:05 p.m.)

19          MS. DEBROW:  No questions from me.  
20     So, unless you have anything further, we can  
21     conclude.

22          THE WITNESS:  Great, thank you.

1                   MR. DARBY: Okay. I think that does  
2           it. I don't have anything.

3                   MS. DEBROW: Can we go off the  
4           record?

5           (Whereupon, signature not having been waived,  
6   the deposition suspended at 2:05 p.m. ET)

7                               \*   \*   \*

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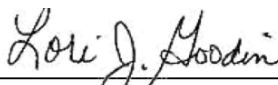
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1 Mark P. Mahon, Ph.D., c/o  
NORTON ROSE FULBRIGHT US, LLP  
2 1301 Avenue of the Americas  
New York, NY 10019

3  
Case: Apple Inc. v. Smith Interface Technologies, LLC  
4 Date of deposition: June 19, 2025  
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