

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4
5 GOOGLE LLC and MOTOROLA MOBILITY LLC,
6 Petitioner,

7 v.

8 MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,
9 Patent owner.

10 IPR2025-00058

11 Patent No. 9,158,494

12
13 EXAMINATION of SANJIV SIRPAL

14
15 TAKEN ON

16 MONDAY, NOVEMBER 10, 2025

17
18
19 CERTIFIED STENOGRAPHER:

20 JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
21 CCR-WA (No. 21007264), CSR-CA (No. 14420),
REALTIME SYSTEMS ADMINISTRATOR
22 JOB NO.: 604277

1 EXAMINATION of SANJIV SIRPAL, taken
2 before JESSICA R. WAACK, Registered
3 Professional Reporter, Registered Merit
4 Reporter, Certified Realtime Reporter,
5 Registered Diplomate Reporter, California
6 Certified Realtime Reporter, New Jersey
7 Certified Court Reporter (License No.
8 30XI008238700); Texas Certified Shorthand
9 Reporter (License No. 11958); Washington State
10 Certified Court Reporter (License No.
11 21007264); California Certified Shorthand
12 Reporter (License No. 14420); New York
13 Association Certified Reporter, New York
14 Realtime Court Reporter and Notary Public of
15 Washington, D.C. and the States of New York,
16 Pennsylvania, Delaware and Virginia, at
17 Kasowitz LLP, 1633 Broadway, New York, New
18 York, on Monday, November 10, 2025, commencing
19 at 9:05 a.m. and concluding at 2:13 p.m.

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22

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** STENOGRAPHER'S NOTE: All quotations
from exhibits are reflected in the manner
in which they were read into the record
and do not necessarily indicate an exact
quote from the document.

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5 Exhibit 2037 Email sent by Rod 131
6 Schrock
7
8 ** No exhibits were included in the
9 transcript **
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1 *****

2 PROCEEDINGS

3 November 10, 2025, 9:05 a.m.

4 New York, New York

5 *****

6 SANJIV SIRPAL, sworn

7 on oath and/or affirmed, called as a
8 witness herein, was examined and testified

9 as follows:

10 *****

11 EXAMINATION

12 BY ATTORNEY VALENTE:

13 Q. Good morning. Is it Mr. Sirpal
14 or Dr. Sirpal?

15 A. Mr. Sirpal.

16 Q. Thank you. Can you please state
17 and spell your full name for the record.

18 A. It's Sanjiv Sirpal, S-a-n-j-i-v,
19 S-i-r-p-a-l.

20 Q. And are you represented by
21 counsel today?

22 A. Yes, I am.

1 Q. And who is your counsel?

2 A. Robert Pickens here.

3 Q. Does he represent you personally?

4 A. No -- yes.

5 Q. When did you retain Mr. Pickens
6 to represent you?

7 ATTORNEY PICKENS: Objection.
8 Form.

9 To the extent you're aware of the
10 date you first began working with
11 counsel in this matter, you may state
12 it. You should not state the substance
13 of any attorney-client communication
14 pertaining to your -- to my
15 representation.

16 THE WITNESS: Robert Pickens
17 represented me, I believe, last year at
18 some point on this case.

19 BY ATTORNEY VALENTE:

20 Q. Was that during the time when you
21 were preparing your declaration in this
22 matter?

1 A. It was prior to the declaration.

2 Q. You understand you're here today
3 for a deposition related to U.S. Patent
4 Number 9,158,494, right?

5 A. That's correct. Yes, I do.

6 Q. If I refer to that as "the '494
7 patent," will you understand what I mean?

8 A. Yes.

9 Q. Have you been deposed before?

10 A. Yes. Once.

11 Q. When was that?

12 A. Last year.

13 Q. What was that in connection with?

14 A. A separate case.

15 Q. Was that a patent case?

16 A. Yes.

17 Q. Do you remember the patent
18 number?

19 A. At this time, no.

20 Q. Was it related to a patent from
21 Flextronics?

22 A. Yes, it was related to

1 Flextronics.

2 Q. Do you remember who the parties
3 are in that case?

4 A. Yes, I do.

5 Q. Who were the parties?

6 A. Multifold and LG, I believe.

7 Q. What was --

8 A. Oh, sorry. My mistake. It was
9 Multimedia.

10 Q. Multimedia?

11 A. Yes. Correct.

12 Q. And just to clarify, you mean
13 Multimedia instead of Multifold?

14 A. That's correct.

15 Q. Okay. So I want go over a few
16 ground rules today. I'll be asking you
17 questions. You'll be providing answers.
18 You understand that, right?

19 A. That's correct.

20 Q. And you understand that you're
21 under oath today?

22 A. Yes, I do.

1 Q. And you understand that oath
2 requires you to give full, truthful,
3 accurate answers to my questions?

4 A. Yes.

5 Q. Your counsel may object to my
6 questions today, but unless he instructs
7 you not to answer on the basis of
8 privilege, you understand you need to
9 answer my questions?

10 A. That's correct.

11 Q. Okay. If a question is unclear,
12 can you please let me know so that I may
13 rephrase as necessary?

14 A. Correct.

15 Q. Okay. And if you answer a
16 question, I'll assume that you understood
17 it; is that fair?

18 A. Yes.

19 Q. So as the court reporter
20 mentioned to you before we began today,
21 she's going to be transcribing everything
22 that you say. So let's try to do our best

1 to not speak over each other. And she's
2 also going to need verbal answers instead
3 of gestures, if you can do that, please.

4 A. Of course.

5 Q. Is there any reason that would
6 prevent you from providing full, truthful
7 and accurate testimony today?

8 A. No.

9 Q. Where do you live currently?

10 A. I live in Oakville, Ontario,
11 Canada.

12 Q. Did you travel here for the
13 deposition today?

14 A. Yes -- yesterday.

15 Q. Do you have an occupation
16 currently?

17 A. I'm currently self-employed.

18 Q. Do you consult?

19 A. On this case.

20 Q. Generally, what do you do as a
21 self-employed person?

22 A. So currently I'm developing a

1 hardware product, a physical product.

2 Q. Is that work solely for yourself,
3 or is that on behalf of another company?

4 A. Solely for myself.

5 Q. How long have you been doing that
6 for?

7 A. Approximately three years.

8 Q. Other than this case, have you
9 done any consulting work before?

10 A. I've done consulting case before,
11 yes.

12 Q. For a litigation?

13 A. Yes.

14 Q. Do you do any other kind of
15 consulting work?

16 A. Sometimes I do design work.

17 Q. What is your standard hourly rate
18 for design work?

19 A. Between 8- to a thousand.

20 Q. 800 to a thousand?

21 A. Yes. Yes.

22 Q. Is that the same rate you charge

1 for consulting per litigation?

2 A. That's correct.

3 Q. What are you charging in this
4 case?

5 A. In this case, it's 950 USD.

6 Q. Do you know who's paying you
7 that?

8 A. Yes, I do.

9 Q. And just to clarify, 950 USD is
10 950 per hour?

11 A. That's correct.

12 Q. And who is paying you?

13 A. Multifold is paying.

14 Q. And how much have you been paid
15 to date on this case?

16 A. I don't have an exact number, but
17 approximately I think about 70 hours worth
18 of work, excluding this. I don't think
19 I've tallied anything up for this case,
20 this last two days.

21 Q. And you'll be paid for your time
22 today as well?

1 A. That's correct.

2 Q. Are you paid for travel time too?

3 A. I don't believe I am, no.

4 Q. Will your compensation change
5 based on the outcome of this proceeding?

6 A. No.

7 Q. There's a parallel district court
8 case between Multifold and Google and
9 another one between Google -- or Multifold
10 and Motorola.

11 Are you aware of those?

12 A. Yes, I am.

13 Q. Are you involved in those cases
14 at all?

15 A. I'm only involved in this case.

16 Q. How did you first become involved
17 in this proceeding?

18 ATTORNEY PICKENS: Just caution
19 the witness not to reveal the subject
20 matter of any attorney-client
21 communications, but without revealing
22 the substance of those communications,

1 you can generally identify where and
2 how -- sorry, how and when you became
3 involved in this proceeding.

4 THE WITNESS: I got involved in
5 this case earlier this year. I was
6 asked to provide my recollection on
7 certain patents.

8 BY ATTORNEY VALENTE:

9 Q. Who approached you?

10 A. That would be Mr. Pickens.

11 Q. You said earlier this year. Do
12 you recall an approximate date?

13 A. I don't recall an approximate
14 date, but I believe it might be in and
15 about February or March.

16 Q. You understand that one possible
17 outcome of this proceeding is that the '494
18 patent could be declared invalid and
19 canceled, right?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: My limited

1 understanding, yes.

2 BY ATTORNEY VALENTE:

3 Q. Would that bother you if the '494
4 patent was canceled?

5 A. No.

6 Q. Did you prepare for today's
7 deposition?

8 A. Yes, I did.

9 Q. How many hours did you spend
10 preparing?

11 A. I'd say approximately 20 hours.

12 Q. And who did you prepare with?

13 A. I prepared with counsel.

14 Q. Is that Mr. Pickens?

15 A. That's correct.

16 Q. Anyone else?

17 A. His colleague Dan Apgar.

18 Q. Anyone else?

19 A. That's it.

20 Q. Did you speak with any
21 non-attorneys while preparing for your
22 deposition?

1 A. No.

2 Q. When did you meet with counsel?

3 A. I met with counsel to prepare for
4 this case? Is that what you mean?

5 Q. To prepare for this deposition.

6 A. In -- as I mentioned earlier, in
7 early February.

8 Q. Did you meet with counsel to
9 prepare for today's deposition?

10 A. That's correct, yes.

11 Q. That was in early February?

12 A. No.

13 Q. Okay. When did you meet with
14 counsel to prepare for today's deposition?

15 A. Oh. I met with counsel recently
16 this week, two or three times this week, as
17 late as yesterday, and prior to that, one
18 or two times in very short calls.

19 Q. For approximately how many hours
20 did you prepare with counsel for this
21 deposition?

22 A. I'd say approximately three

1 hours, three to four hours.

2 Q. Setting aside your communications
3 with counsel, what did you do to prepare
4 for this deposition?

5 A. I reviewed my declaration and I
6 reviewed the claims of the patent as well
7 as the exhibits that were contained in the
8 declaration.

9 Q. Did you review any documents that
10 are not identified as exhibits in the
11 declaration?

12 A. No.

13 Q. And you have a copy of your
14 declaration with you today, you said,
15 right?

16 A. That's correct. I do.

17 ATTORNEY VALENTE: And that's
18 Exhibit 2001, just for the record.

19 (Whereupon, Previously Marked
20 Exhibit 2001 is identified for
21 the record.)

22 ///

1 BY ATTORNEY VALENTE:

2 Q. How many hours did you spend
3 preparing that declaration?

4 A. Upwards of 20 hours.

5 Q. Did you draft the declaration
6 yourself?

7 A. No, I did not.

8 Q. Who drafted the declaration?

9 A. That would be an attorney -- a
10 legal firm called Carmichael that was
11 directed to me to work with -- Robert
12 directed me to work with.

13 Q. Can you describe the process for
14 writing your declaration?

15 ATTORNEY PICKENS: Again, I'll
16 caution the witness not to reveal the
17 substance of your communications of any
18 attorney either at our firm or
19 Carmichael IP. However, you can
20 generally describe the process by which
21 the declaration came about.

22 THE WITNESS: Yeah. We -- so I

1 can describe it in a general way. We
2 had multiple meetings to talk about
3 establishing a timeline for '494,
4 understanding what '494 was,
5 understanding the claims of the '494.

6 We -- I had produced documents
7 for this case. We reviewed those
8 documents and interpreted some of the
9 documents.

10 I directed counsel, Carmichael,
11 to write this declaration. I worked
12 with them through multiple reviews to
13 ensure that what's contained in the
14 declaration represented my
15 recollection.

16 BY ATTORNEY VALENTE:

17 Q. Is there any statement in your
18 declaration that is not a true and accurate
19 statement?

20 A. No.

21 Q. So you mentioned that you -- in
22 preparing your declaration, you obtained

1 various documents, right?

2 A. Can you -- I'm sorry. Can you
3 rephrase that?

4 Q. Yes. In preparing your
5 declaration, you said you submitted various
6 documents?

7 A. That's correct.

8 Q. Okay. How did you determine
9 which documents to submit?

10 A. I submitted all of them.

11 Q. So the documents that you
12 submitted as exhibits to your declaration
13 are all the documents that you have that
14 relate to the '494 patent?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: My recollection --
18 to my recollection, I submitted more
19 documents than what's contained in the
20 exhibits.

21 BY ATTORNEY VALENTE:

22 Q. How did you determine which

1 documents to discuss in your declaration?

2 ATTORNEY PICKENS: I caution you
3 not to reveal your conversations with
4 counsel, but you can generally describe
5 the process by which you searched for
6 documents.

7 THE WITNESS: So we looked at
8 documents that related to Patent '494
9 and the claims within Patent '494, and
10 the documents that correlated to those
11 claims.

12 BY ATTORNEY VALENTE:

13 Q. How did you decide which
14 documents to omit from your declaration?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: The documents that
18 were produced or mapped into '494 were
19 the ones that were relevant to it. If
20 it wasn't relevant, it wasn't cited as
21 an exhibit.

22 ///

1 BY ATTORNEY VALENTE:

2 Q. Are you aware of any document
3 that contradicts the statement in your
4 declaration?

5 A. No, I'm not.

6 Q. Are you aware of any document
7 that is inconsistent with the document
8 that's cited in your declaration?

9 A. Not to my recollection, no.

10 Q. Did you do anything to confirm
11 there are no such documents?

12 A. The documents that were mapped
13 into the claims were the ones that I was
14 aware of. There may be other documents.
15 I'm not aware.

16 Q. So does that mean that you did
17 not do anything to confirm there are no
18 documents that are inconsistent with
19 those --

20 ATTORNEY PICKENS: Objection.

21 BY ATTORNEY VALENTE:

22 Q. -- cited in your declaration?

1 ATTORNEY PICKENS: Objection.

2 Form.

3 THE WITNESS: So I don't know
4 what's not there. I can only speak for
5 the documents that were there.

6 BY ATTORNEY VALENTE:

7 Q. So most of the documents that you
8 cited, I believe you state in your
9 declaration, came from your records from
10 Flextronics; is that right?

11 A. That's correct.

12 Q. How did you come to possess those
13 documents?

14 A. Those are documents that I had in
15 my possession from the time that I worked
16 in Flextronics.

17 Q. Did you have a complete set of
18 records from Flextronics?

19 A. No.

20 Q. Is Flextronics still a company?

21 A. Yes, it is.

22 Q. Does it still do anything?

1 ATTORNEY PICKENS: Objection to
2 form.

3 THE WITNESS: I believe it does,
4 yes.

5 BY ATTORNEY VALENTE:

6 Q. Are you involved with Flextronics
7 still?

8 A. No.

9 Q. So when did you work at
10 Flextronics?

11 A. I worked at Flextronics from
12 approximately June of 2008 up until the end
13 of 2011, beginning of 2012.

14 Q. Why did you leave Flextronics?

15 A. Flextronics, I didn't actually
16 leave Flextronics. Flextronics created a
17 joint venture with a company called
18 Hisense, and I was a part of that joint
19 venture.

20 Q. Are you still part of that joint
21 venture?

22 A. No, I am not.

1 Q. In the Hisense joint venture,
2 were you an owner?

3 A. No, I was not.

4 Q. What was your role in the Hisense
5 joint venture?

6 A. I was head of design, and then at
7 the latter part, head of innovation and
8 design.

9 Q. During what time period was that?

10 A. That would have been from 2012
11 'til 2017.

12 Q. What was your title when you
13 started at Flextronics?

14 A. I was senior user interface
15 designer.

16 Q. Was that your title the entire
17 time you were at Flextronics?

18 A. No. I held a few different
19 titles, but my last title was director of
20 user experience.

21 Q. During what period of time were
22 you the director of user experience?

1 A. I believe that would have been
2 two thousand and -- latter part of '11, I
3 believe. To my recollection. I could be
4 wrong.

5 Q. Do you recall what your title was
6 before that?

7 A. Senior manager of UX, I think.

8 Q. And do you recall what time
9 period you were a senior manager of UX?

10 A. Approximately beginning of 2011.
11 Maybe the first part of 2011.

12 Q. And do you recall your title
13 before that?

14 A. Senior UX designer.

15 Q. What were your responsibilities
16 as a senior UX designer?

17 A. So as a senior UX designer, I was
18 responsible for designing user interfaces
19 as well as, at that time, looking at
20 notebook innovations and trying to produce
21 novel designs for integrating user
22 interfaces into notebooks.

1 Q. As a senior manager of UX, what
2 were your responsibilities?

3 A. So as senior manager of UX, I was
4 responsible for the design of products, but
5 also building out a team and managing the
6 team to produce work.

7 Q. How many people were on your
8 team?

9 A. There was a variety of numbers at
10 different times while I was at Flextronics.
11 Seven was the number that I recall as the
12 minimum, and it did grow to beyond that.
13 13, possibly, within the time period of
14 Flex.

15 Q. Is that during the time period
16 when you were a senior manager of UX?

17 A. I believe while I was senior
18 manager of UX, probably about seven.

19 Q. And as senior manager of UX, who
20 did you report to?

21 A. I reported to the VP of
22 engineering, I believe it was.

1 Q. Do you remember the VP of
2 engineering's name?

3 A. I think it's Paul Reeves. He
4 might have been, maybe not VP, but director
5 of engineering. I can't remember now.

6 Q. You said that you managed a team.
7 Did you have any direct reports that were
8 outside of your team?

9 A. Can you clarify that question?

10 Q. Yes. Did anyone outside of your
11 team report to you when you were a senior
12 manager of UX?

13 A. I had designers that reported to
14 me. I also had a designer outside of my
15 local office, but ultimately it was all
16 designers that reported to me.

17 Q. Your local office, was that
18 Toronto?

19 A. Burlington.

20 Q. There was a Toronto office for
21 Flextronics, wasn't there?

22 A. I believe there would have been,

1 yeah, but I can't confirm.

2 Q. Okay. How many offices were
3 there for Flextronics?

4 A. There was a lot of offices
5 worldwide. I can just say that there was
6 the one that I knew of, which was the
7 Burlington office. I think there was one
8 outside of Toronto, North York.

9 There was the San -- sorry -- the
10 San Diego office for Flex and also the
11 San Jose office. And there were a lot of
12 other offices beyond that that I don't have
13 the count for.

14 Q. As director of user experience,
15 what were your responsibilities in that
16 role?

17 A. There was an extension of the
18 manager role, just to another org. I was
19 also in charge of the vision for some of
20 the products that we were conceiving of
21 that were coming down that we were planning
22 on doing. So that was in addition to

1 managing the team, making sure that the
2 work that we were doing was, you know,
3 designed in such a way that it was -- it
4 was usable and useful.

5 Mentoring the team and building
6 out, you know, a design system for the
7 products we were conceiving of.

8 Q. Do you recall approximately how
9 many people worked for Flextronics in 2010?

10 A. I don't have an exact number.
11 The number that I do recall that I -- I
12 believe I communicated in the declaration
13 is about a hundred for this project.

14 Q. What about in 2011?

15 A. I believe it would have been
16 similar to that.

17 Q. Have you ever held an ownership
18 interest in Flextronics?

19 A. No.

20 Q. No stock?

21 A. No vested stocks, I don't
22 believe.

1 Q. Have you ever held an ownership
2 interest in any company related to
3 Flextronics?

4 A. No.

5 Q. Do you have an unvested interest
6 in Flextronics?

7 A. Can you clarify?

8 Q. You said you have no vested
9 stocks. Do you have any unvested stocks or
10 other interests?

11 A. No.

12 Q. Did you at some point in time?

13 A. I believe there may have been
14 some invested stock in -- while I was at
15 Jamdeo.

16 Q. But not in Flextronics?

17 A. No, I don't believe -- I don't --
18 very hard to recall. I don't believe I
19 have.

20 Q. The '494 patent, you are one of
21 the named inventors, correct?

22 A. Yes.

1 Q. And Mohammed Selim is the other
2 named co-inventor?

3 A. That's correct.

4 Q. Have you ever owned any rights to
5 the '494 patent?

6 A. No.

7 Q. Have you ever owned any rights to
8 proceeds from licensing the '494 patent?

9 A. No.

10 Q. Have you ever owned any rights to
11 proceeds from the litigation involving the
12 '494 patent?

13 A. No.

14 Q. Have you heard of a company
15 called Hong Kong Technologies Group
16 Limited?

17 A. Not specifically that name, no.

18 Q. Have you ever heard of a company
19 called Longford Capital Fund III?

20 A. No.

21 Q. Do you have a contract with
22 anyone that requires you to assist in

1 defending the '494 patent's validity?

2 A. No.

3 Q. When writing your declaration,
4 did you collaborate with anyone besides
5 counsel?

6 A. Yes.

7 Q. Who did you collaborate with?

8 A. Ed Becze and Ron Cassar.

9 Q. Who is Ron Cassar?

10 A. Ron Cassar is -- or was, during
11 the Imerj project, head of systems
12 software.

13 Q. And who is Ed Becze?

14 A. Ed Becze was, at the time of the
15 Flex project, he was mechanical engineer.
16 And he was also a part of the hardware part
17 of the project.

18 Q. At a high level, can you describe
19 your interactions with Mr. Cassar and
20 Mr. Becze in drafting your declaration?

21 A. At a high level, they were
22 brought in with Carmichael to discuss the

1 timeline -- or to establish the timeline.

2 Q. What did you discuss with them?

3 A. My discussions with them were
4 around the '494 patent at a very high
5 level. A lot of the conversations that
6 were held with the Carmichael lawyers, we
7 discussed the exhibits, parts of the
8 exhibits, and some of the hardware, the
9 prototypes.

10 Q. Do you recall which exhibits you
11 spoke to Mr. Cassar about?

12 A. The exhibit that he produced
13 around the timeline of the project plan.

14 Q. Any other exhibits?

15 A. No. I don't think we discussed
16 any other exhibits. I don't recall.

17 Q. What about Mr. Becze?

18 A. It was mostly general
19 conversations with him.

20 Q. General conversations about what?

21 A. Hardware. Hardware.

22 Q. What specifically about the

1 hardware?

2 A. About the hardware versions as
3 well as bringing the hardware up.

4 Q. What do you mean by "bringing the
5 hardware up"?

6 A. Well, I had produced for
7 Carmichael a number of prototypes that were
8 dead, nonfunctioning.

9 Q. By "bringing the hardware up," do
10 you mean bringing those back so they were
11 functioning?

12 A. To try to turn them on.

13 Q. Was he successful in bringing
14 them on?

15 A. No. Mostly unsuccessful, from my
16 recollection.

17 Q. What do you mean by "mostly
18 unsuccessful"?

19 A. I believe some got powered on,
20 but they did not function.

21 Q. Are you aware that Mr. Cassar has
22 submitted a declaration in this proceeding?

1 A. Yes, I am.

2 Q. Did you speak to him about the
3 substance of his declaration?

4 A. No.

5 Q. Did you see a draft of his
6 declaration before it was submitted?

7 A. No.

8 Q. Did he see a draft of your
9 declaration?

10 A. I can't speak for what he saw,
11 but I didn't show him anything.

12 Q. Mr. Becze, did you see a draft of
13 his declaration?

14 A. No.

15 Q. Did you show him a draft of your
16 declaration?

17 A. No, I didn't.

18 Q. Are you aware of him seeing a
19 draft of your declaration?

20 A. I am not aware of.

21 Q. What did you speak to Mr. Becze
22 about in preparing your declaration?

1 ATTORNEY PICKENS: I'll just
2 caution the witness not to reveal
3 content of any conversations you may
4 have had with counsel, but you can
5 reveal what you spoke to Mr. Becze
6 about.

7 THE WITNESS: I think we were
8 speaking specifically about EV1 and EV2
9 units.

10 BY ATTORNEY VALENTE:

11 Q. What about those?

12 A. How they worked in --
13 specifically I think the EV2, we spoke a
14 little bit about what -- like, during the
15 bigger process, he spoke to his travels for
16 bringing up those hardware devices.

17 Q. What specifically did you speak
18 to him about how the EV1 and EV2 units
19 worked?

20 A. I think we spoke about how the
21 EV1 had power issues in the connectors that
22 we were using to charge the EV2s. It was

1 problematic that we don't charge EVIs --
2 not to charge the EVIs with a certain power
3 connector, specifically around powering up
4 those devices.

5 Q. Did you speak to Mr. Cassar about
6 any of the subject matter in your
7 declaration?

8 A. No.

9 Q. Did your conversations with
10 Mr. Cassar refresh your recollection about
11 anything in your declaration?

12 ATTORNEY PICKENS: Objection to
13 form.

14 THE WITNESS: No. The -- what
15 refreshed my recollection simply was
16 around the project plan that he had
17 produced.

18 BY ATTORNEY VALENTE:

19 Q. You refer to the project plan
20 that he had produced. Do you know what
21 exhibit number that is?

22 A. Give me one moment.

1 Exhibit 2033.

2 Q. Did you speak to Mr. Becze about
3 the substance of anything in your
4 declaration?

5 A. No, I did not.

6 Q. Did your conversations with
7 Mr. Becze refresh your recollection about
8 anything in your declaration?

9 A. No.

10 Q. Did you ask Mr. Cassar any
11 questions?

12 ATTORNEY PICKENS: Objection to
13 form.

14 THE WITNESS: No, I did not.

15 BY ATTORNEY VALENTE:

16 Q. Did Mr. Cassar ask you any
17 questions related to the EV1 or EV2?

18 A. Not that I recall.

19 Q. Did Mr. Cassar ask you any
20 questions related to the '494 patent?

21 A. No, not that I recall, no.

22 Q. Did Mr. Cassar ask you any

1 questions about anything related to the
2 subject matter of your declaration?

3 A. No.

4 Q. Did you ask Mr. Becze -- sorry.
5 Can you correct my pronunciation? Is it
6 Becze, Becze?

7 A. Becze. Yeah. And it's Ed or
8 Charles.

9 Q. Thank you.
10 Did you ask Mr. Becze any
11 questions about the subject matter of your
12 declaration?

13 A. Not that I recall, no.

14 Q. Did you ask Mr. Becze any
15 questions about the EV1 or EV2 devices?

16 A. I believe I asked him general
17 questions about the EV1s and EV2s.

18 Q. Do you recall what those
19 questions are?

20 A. I believe the EV1s had these
21 connectors in the back. I had questions
22 about those connectors. Didn't know what

1 they were for.

2 Q. Any other questions you can
3 recall?

4 A. Not that I recall at this time.

5 Q. Why did you speak to Mr. Cassar
6 and Mr. Becze in preparing your
7 declaration?

8 A. So I didn't speak to Mr. Cassar
9 or Mr. Becze to prepare my declaration. I
10 was simply discussing the overall timeline
11 for patents. The declaration happened
12 after.

13 Q. What was the purpose of speaking
14 to them?

15 A. Through the attorneys, we were --
16 attorneys wanted to establish timelines.

17 Q. Did you know at that time that
18 you may be asked to write a declaration in
19 this proceeding?

20 A. At the beginning, I don't think I
21 did. But later on, I was -- it did turn
22 into a declaration.

1 Q. Was "later on" still during the
2 time when you were speaking with Mr. Cassar
3 and Mr. Becze?

4 A. It would have been around the
5 same time, yes.

6 Q. Did you ask to speak to
7 Mr. Cassar and Mr. Becze?

8 A. No.

9 Q. Did they ask to speak with you?

10 A. No.

11 Q. How do you know they didn't ask
12 to speak with you?

13 A. I -- the attorneys and I were
14 discussing a timeline before Ron and Ed
15 were involved. And --

16 ATTORNEY PICKENS: I just caution
17 the witness not to reveal the substance
18 of your communications with counsel.

19 If you know the answer to how you
20 know that Mr. Cassar and Becze did not
21 ask to speak with you outside of those
22 communications, you may answer the

1 question.

2 To the extent you only know it
3 through communications with counsel, I
4 would instruct you not to answer the
5 question.

6 THE WITNESS: Yeah, it ultimately
7 was through the communication with
8 counsel. They were the ones that
9 communicated with Ron and Ed.

10 BY ATTORNEY VALENTE:

11 Q. Aside from your work in this
12 litigation, do you keep in touch with
13 Mr. Cassar?

14 A. Casually.

15 Q. Could you describe what you mean
16 by "casually"?

17 A. Online, social. I've visited his
18 office.

19 Q. How frequently do you communicate
20 with Mr. Cassar?

21 A. Once a year.

22 Q. You said you visited his office.

1 Can you describe what you mean by that?

2 A. Yes, I can.

3 So Ron and Ed have a -- they have
4 a company together, and I would visit Ed,
5 and periodically I would see Ron there.

6 Q. Would you say that you're friends
7 with Mr. Cassar?

8 A. Yes.

9 Q. You're friends with Mr. Becze as
10 well?

11 A. That's correct.

12 Q. And it sounds like you keep in
13 touch with Mr. Becze?

14 A. That's correct.

15 Q. Outside of your work in this
16 litigation, about how often are you in
17 contact with Mr. Becze?

18 A. Probably four or five times a
19 year, maybe six times.

20 Q. And how do you communicate with
21 him?

22 A. Sometimes they would call.

1 Q. Any other methods?

2 A. Messages.

3 Q. Text messages?

4 A. Text messages.

5 Q. How often have you visited

6 Mr. Cassar and Mr. Becze's offices?

7 A. Maybe once or twice a year.

8 Q. For how many years?

9 A. Four or five.

10 Q. Have you been in continuous

11 contact with Mr. Cassar and Mr. Becze since

12 working at Flextronics?

13 A. Yes.

14 Q. Have you spoken with Mr. Cassar

15 or Mr. Becze about this proceeding since

16 submitting your declaration?

17 A. No.

18 Q. And Mr. Cassar worked at

19 Flextronics while you were there, right?

20 A. That's correct.

21 Q. Did he work in your practice

22 group there?

1 A. Can you clarify "practice group"?

2 Q. In your team.

3 A. We were -- we were peers. He
4 didn't report to me. He was working on the
5 software side. I was working on the design
6 side. So if that's the group, yeah, then I
7 would say yes.

8 Q. Do you recall the name of the
9 group that he worked in?

10 A. I believe he worked for the
11 systems software group.

12 Q. And Mr. Becze worked at
13 Flextronics too, right?

14 A. That's correct.

15 Q. Did Mr. Becze report to you?

16 A. No, he did not.

17 Q. Do you recall what group
18 Mr. Becze was in?

19 A. So Mr. Becze is a mechanical
20 engineer, a very good one. I believe he
21 worked for the hardware side of the
22 projects. Yeah.

1 Q. Did you interact with Mr. Becze
2 while working at Flextronics?

3 A. Yes.

4 Q. In what capacity?

5 A. For the -- for the -- well, for
6 the -- specifically for the Imerj device, a
7 lot of the work that we were doing together
8 was around the hinge.

9 Q. When speaking with Mr. Cassar,
10 did the two of you have any conflicting
11 recollections about any aspects of the
12 Imerj product?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: I don't recall.
16 BY ATTORNEY VALENTE:

17 Q. When you spoke with Mr. Becze,
18 did the two of you have any conflicting
19 recollections about the Imerj product?

20 A. I don't recall.

21 Q. Do you recall anyone at
22 Flextronics named Martin Gimpl?

1 A. Yes.

2 Q. Who was Martin Gimpl?

3 A. Martin Gimpl was an interaction
4 designer that reported to me.

5 Q. Was he a senior interaction
6 designer?

7 A. I believe he was, yeah.

8 Q. What did a senior interaction
9 designer at Flextronics do?

10 A. They would write the interaction
11 design specifications. The level of
12 seniority just basically denotes how much
13 experience they have and their
14 responsibility.

15 Q. What level does someone become --
16 strike that.

17 What amount of experience does it
18 take to be labeled a senior employee at
19 Flextronics?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: Well, I understand

1 it's pretty relative to different
2 organizations. So at that time, Martin
3 had a -- I believe he had an HCI
4 degree, which gave him a lot of
5 expertise. And he was senior, because
6 he could handle more complicated tasks
7 and more complicated systems.

8 BY ATTORNEY VALENTE:

9 Q. What is an HCI degree?

10 A. Human -- sorry -- human computer
11 interaction. I believe he had a more
12 formalized education in that space. I
13 could be wrong about the time he got it.
14 But I do recall he had a more formal
15 degree.

16 Q. In your declaration,
17 Paragraph 10, this is Exhibit 2001, you
18 state that you conceived of the '494
19 patent's claims no later than November 18,
20 2010, correct?

21 A. That's correct.

22 Q. But if we go to Paragraph 15,

1 there you're referring to Exhibit 2012,
2 right?

3 A. That's correct.

4 Q. And in that paragraph, you say
5 that that document is dated September 10,
6 2010, right?

7 A. That's correct.

8 Q. Okay. And you say that that
9 document evidences your conception of the
10 invention of the challenged claims, right?

11 A. Yes.

12 Q. So you contend that you conceived
13 of the claims on September 10, 2010. Why
14 in Paragraph 10 do you say not later than
15 November 18, 2010?

16 A. The -- sorry. What was the
17 previous paragraph?

18 Q. Paragraph 10.

19 A. Rephrase the question. Sorry.

20 Q. Yes. Why in Paragraph 10 do you
21 state that you conceived of the claims not
22 later than November 18, 2010, whereas in

1 Paragraph 15, you identify a document dated
2 September 10 of that year that you claim
3 evidences your conception of the invention?

4 A. So the UX foundation, which is
5 authored November 18, provided a holistic
6 representation of the entire device and the
7 interaction system as well as the
8 applications, how the applications were
9 being used.

10 The window management system
11 described a part of the system. It didn't
12 describe everything in context. I felt
13 that the November 18th document, given that
14 representation of the entire system, so you
15 could see the applications as well as the
16 core parts of the window positioning
17 system, a lot of the information that's
18 contained in the -- over the foundation is
19 sourced from other documents that were
20 produced at the time.

21 Q. Do those documents include
22 Exhibit 2012?

1 A. To which -- sorry. Can you
2 repeat that?

3 Q. Yes. You say the information in
4 the UX foundation documents --

5 A. Correct.

6 Q. -- was sourced from other
7 documents that were produced at the time?

8 A. That's correct.

9 Q. Do those other documents produced
10 at the time include Exhibit 2012?

11 A. That's right, yes.

12 Q. You have a copy of the '494
13 patent, right? That's Exhibit 1001.

14 A. I have a -- excerpts from the
15 claims that were in this declaration.

16 (Whereupon, Previously Marked
17 Exhibit 1001 is identified for
18 the record.)

19 BY ATTORNEY VALENTE:

20 Q. I'm going to hand you a document
21 that's been previously marked as
22 Exhibit 1001.

1 ATTORNEY PICKENS: Thank you.

2 BY ATTORNEY VALENTE:

3 Q. If we look at the face of the
4 '494 patent, you see that it identifies a
5 provisional application that was filed on
6 September 17, 2011?

7 And if it helps you to find it,
8 that's going to be on the left side next to
9 Number 60 on the cover page.

10 A. Yes.

11 ATTORNEY PICKENS: Objection.

12 Objection to form.

13 BY ATTORNEY VALENTE:

14 Q. Just to make clear, so you see
15 that the face of the '494 patent identifies
16 a provisional application that was filed on
17 September 17, 2011?

18 A. Yes, I do see that.

19 Q. Why did you wait nearly a year
20 after conceiving of this invention to file
21 a patent?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: The -- sorry. Can
3 you rephrase that question? I don't...

4 BY ATTORNEY VALENTE:

5 Q. Yes. You claim that you
6 conceived of the invention not later than
7 November 18, 2010, right?

8 A. As a design team, we were
9 providing Flex IP with our designs ongoing.
10 The -- the lawyers themselves would extract
11 and protect the designs that we had. My
12 job was to provide them with the designs.

13 More than likely at that time, I
14 would have provided any designs that
15 were -- we were producing at their bequest.
16 And they were the ones that then made the
17 decision to do whatever they needed to do
18 to protect it.

19 Q. Were those provided in invention
20 disclosure statements?

21 ATTORNEY PICKENS: Objection to
22 form.

1 THE WITNESS: I have a very vague
2 recollection of that time for how the
3 process outside of the -- of us
4 providing them with the designs
5 occurred.

6 BY ATTORNEY VALENTE:

7 Q. Can you tell me what you do
8 recall?

9 A. I recall us providing overviews
10 and walking through the designs with our --
11 the Flex legal team to let them know what
12 we were designing, what we were building,
13 and answering any questions they had around
14 the designs.

15 Q. Did you provide any documentation
16 that reflected any alleged inventions?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: Without knowing
20 specifically which inventions you're
21 referring to, what I can say is that we
22 provided our specifications, things

1 that you -- things that I identified
2 earlier in this exhibit, the
3 specifications such as the window
4 positioning control system and the
5 browser application, documents of that
6 nature, as well as the overviews that
7 we would have produced.

8 BY ATTORNEY VALENTE:

9 Q. Was it your general practice to
10 provide that documentation contemporaneous
11 with its creation?

12 ATTORNEY PICKENS: Objection to
13 form.

14 THE WITNESS: Can you rephrase
15 that last part? I didn't...

16 BY ATTORNEY VALENTE:

17 Q. Yes. Did you provide that
18 documentation around the same time that it
19 was created, or did you wait?

20 A. From my recollection, we would
21 provide it whenever they -- it was asked
22 for, however we thought something was

1 completed at a level of maturity that
2 [indiscernible].

3 (Stenographer requests
4 clarification and colloquy will
5 not be captured on the written
6 record.)

7 THE WITNESS: -- that wasn't
8 going to change.

9 ATTORNEY PICKENS: Counsel, I
10 don't know how many more questions --
11 I'm happy to let you finish this line
12 of questioning, but if we can take a
13 break sometime soon.

14 ATTORNEY VALENTE: Now is a fine
15 time for a break.

16 THE STENOGRAPHER: Off the
17 record.

18 (Whereupon, a recess was taken at
19 10:02 a.m.)

20 BY ATTORNEY VALENTE:

21 Q. Mr. Sirpal, welcome back.

22 A. Thank you.

1 Q. Before we broke, we were talking
2 briefly about the provisional application
3 identified on the face of Exhibit 1001,
4 right?

5 A. That's correct.

6 Q. Did you write any part of that
7 provisional application?

8 ATTORNEY PICKENS: Objection.

9 THE WITNESS: Our common practice
10 was to provide the specifications to
11 the lawyers. They would author the
12 patents. We would review the patents.

13 The patents are in a completely
14 different language, as designers, we
15 don't clearly understand at the time.
16 But we would review the patents and
17 provide any feedback to lawyers at that
18 time.

19 BY ATTORNEY VALENTE:

20 Q. Was that the practice used for
21 this provisional application?

22 A. My understanding, yes. And if I

1 can -- let me go back into the...

2 I'm not -- I don't -- without
3 seeing the provisional patent, I don't
4 recall what was contained in it. Sometimes
5 the specifications were actually part of
6 the provisional patent.

7 So if there were specifications,
8 like, included, then those would have been
9 authored by the designers.

10 Q. So before you mentioned that you
11 were working on a -- developing a product,
12 right?

13 A. With respect to?

14 Q. In your personal --

15 A. Yes.

16 Q. -- endeavors?

17 Have you sold many of that
18 products? Have you sold many of that
19 products?

20 A. I currently have a Kickstarter
21 for it.

22 Q. Do you have any income from the

1 Kickstarter?

2 A. The Kickstarter finishes this
3 Friday, so I think there may be some income
4 coming from it.

5 Q. How much income do you expect
6 from the Kickstarter?

7 A. More than where it's at right
8 now, I hope. It's currently at 27,000
9 Canadian dollars.

10 Q. Do you have any other income
11 related to that product?

12 A. I wrote a book that I sell. I
13 probably bring in a couple hundred dollars
14 a year for that.

15 Q. Is it fair to say that for 2025,
16 the vast majority of your personal income
17 would be from this case and from that
18 Kickstarter fund?

19 A. That's incorrect.

20 Q. Can you explain why?

21 A. Up until last week, I was
22 employed as the head of design for a

1 startup in Silicon Valley.

2 Q. What company was that?

3 A. Parspec.

4 Q. And approximately how much money
5 did you make from Parspec this year?

6 A. Without doing the math, without a
7 calculator, maybe 250,000 Canadian.

8 Q. And earlier you mentioned that
9 you collected more documents for this case
10 than what were cited in your declaration,
11 right?

12 A. That's correct.

13 Q. Do you remember how many
14 documents you collected in total?

15 A. I don't have an exact number.

16 Q. Do you have an approximate
17 number?

18 A. Thousands.

19 Q. You say thousands, do you mean 1-
20 or 2,000?

21 A. I don't have an exact number. I
22 had files and I turned those over to

1 attorneys, all of them.

2 Q. How did you save those files from
3 Flextronics?

4 A. I had them sitting in my drives.
5 I sometimes use the artwork produced in
6 those images for portfolios.

7 Q. Did the documents you produced to
8 counsel in this case span a time period
9 that goes beyond the reduction to practice
10 of the EV1, EV2 devices?

11 A. Yes.

12 Q. Do you know what year they go out
13 until?

14 A. The documents that were shared
15 for the Flex projects span the time that I
16 started at Flex up until the time I stopped
17 working at Flex.

18 Q. Can you remind me what year that
19 was?

20 A. 2008 through the end of 2011.

21 Q. Were there any documents in that
22 set from after 2011?

1 A. There might have been some --
2 yes, the 2012 -- early 2012. Early 2012
3 for the Flex projects.

4 Q. If you stopped working at Flex in
5 2012, why did you have documents from early
6 2012?

7 A. So the Imerj project was what we
8 stopped working on at Flex. In the early
9 part of 2012, a joint venture was created.
10 So there was a very porous time period
11 where I was part of Flex and then part of
12 the NewCo and then part of Jamdeo.

13 Q. And the NewCo was Isis?

14 A. Oh, sorry?

15 ATTORNEY PICKENS: Just, Counsel,
16 it was Hisense, Hisense.

17 ATTORNEY VALENTE: Hisense.

18 Okay.

19 THE WITNESS: So please ask the
20 question.

21 BY ATTORNEY VALENTE:

22 Q. Yes. The NewCo was Hisense?

1 A. No.

2 Q. You said, "I was part of Flex and
3 then part of the NewCo."

4 What is the NewCo?

5 A. So from my understanding, a NewCo
6 is a company that gets established when a
7 joint venture's being created. So
8 during...

9 So Flextronics, up until -- I
10 guess the beginning of 2012, we started to
11 develop concepts and ideas that were not a
12 part of the Imerj project around smart TVs.
13 And those were pushed into, I believe, the
14 work that we were doing was to capture
15 those ideas in NewCo.

16 NewCo was the intermediate time
17 before they were able to create the joint
18 venture with -- so Flextronics and Hisense
19 created the joint venture, and then they
20 gave NewCo the name Jamdeo. So Jamdeo was
21 what NewCo turned into.

22 Q. Got it. Thank you.

1 Did you produce all the documents
2 that you had that related to the Imerj
3 project?

4 A. That's correct.

5 Q. Did you review or sort through
6 them in any way?

7 ATTORNEY PICKENS: Objection to
8 form.

9 THE WITNESS: My understanding,
10 there's a lot of folders that I
11 organized in sequence in terms of
12 timeline.

13 BY ATTORNEY VALENTE:

14 Q. You didn't leave any documents
15 out of those folders?

16 A. No.

17 Q. Do you believe any of the
18 documents that aren't cited in your
19 declaration are relevant?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: My understanding,

1 without reviewing each and every
2 document, which I didn't do, I don't
3 believe so.

4 BY ATTORNEY VALENTE:

5 Q. It's your testimony that only the
6 documents cited in your declaration are
7 relevant to the conception or reduction of
8 practice of the EV1, EV2 devices?

9 ATTORNEY PICKENS: Objection.
10 Calls for a legal conclusion.

11 THE WITNESS: If -- my
12 recollection from reviewing the
13 artifacts, there may be more documents
14 that might also reaffirm this
15 information, but I don't know of those.
16 I didn't review each document.

17 BY ATTORNEY VALENTE:

18 Q. So do you agree that there are
19 likely other documents that reflect your
20 conception in that set?

21 ATTORNEY PICKENS: Objection to
22 form.

1 THE WITNESS: Without reviewing
2 all the documents, I would say I can't
3 answer that.

4 BY ATTORNEY VALENTE:

5 Q. And is that because counsel
6 reviewed the documents and not you?

7 ATTORNEY PICKENS: Objection to
8 form.

9 THE WITNESS: From -- from my
10 recollection, there are documents that
11 might point to an earlier set of ideas
12 around minimization and maximization.

13 BY ATTORNEY VALENTE:

14 Q. Did counsel review and pick the
15 documents that are identified in your
16 declaration?

17 ATTORNEY PICKENS: Objection to
18 form.

19 Caution the witness not to reveal
20 the substance of communications with
21 counsel when answering the question.

22 THE WITNESS: So I worked with

1 the Carmichael attorneys, provided them
2 with the documents. I shared my
3 perspective on significant documents
4 and provided them with -- after
5 clarifying the claims, provided them --
6 pointed to those documents as the ones
7 that I felt correlated to the claims.

8 BY ATTORNEY VALENTE:

9 Q. Who chose the documents that are
10 cited in your declaration?

11 ATTORNEY PICKENS: Objection to
12 form. Asked and answered.

13 THE WITNESS: As I said, we
14 worked together. I provided them with
15 the documents that I felt represented
16 the claims in the best way.

17 BY ATTORNEY VALENTE:

18 Q. Who made the actual decision as
19 to which documents to cite in your
20 declaration?

21 ATTORNEY PICKENS: Objection to
22 form. Counsel, you got your answer to

1 this question.

2 THE WITNESS: As I mentioned
3 earlier, we worked on this. I shared
4 and interpreted the claim -- the
5 attorneys helped clarify the claims. I
6 selected the documents that best
7 represented my interpretation of those
8 claims in the documents themselves.

9 ATTORNEY VALENTE: Counsel, I
10 just ask you to keep your objections
11 limited to form as is the rule in the
12 Patent Office.

13 ATTORNEY PICKENS: Sure. And
14 I'll ask you not to ask the same
15 question of the witness repeatedly
16 seeking a different answer.

17 But I will endeavor to keep my
18 objections to form going forward.

19 ATTORNEY VALENTE: If the witness
20 would answer the question asked, I
21 wouldn't have to reask the question.

22 ATTORNEY PICKENS: Understood.

1 BY ATTORNEY VALENTE:

2 Q. Does the set of documents cited
3 in your declaration include everything from
4 September 2010 to February 2011 related to
5 the Imerj project?

6 A. Repeat the dates, please.

7 Q. Yes. September 2010 to
8 February 2011?

9 A. And the question?

10 Q. Does this set of documents cited
11 in your declaration include everything
12 related to the Imerj project from that date
13 window?

14 A. No.

15 Q. Are there any documents that
16 relate to the Imerj project from
17 February 2011 to September 2011?

18 A. Yes.

19 Q. Can you describe what those
20 documents are?

21 A. Without reviewing each of the
22 documents, I can describe the design side

1 of the documents. There would be other
2 specifications around the other
3 applications we were building, messenger,
4 capture. There were documents around the
5 smartpad.

6 There were documents around
7 the -- the -- I don't recall the name.
8 Give me a second -- about the docking of
9 the handset into a laptop-like device and
10 the specifications of that unified
11 operating system.

12 And there would be a lot of other
13 documents potentially around the project
14 itself.

15 Q. You indicated that you shared
16 thousands of documents with Multifold. Are
17 you willing to share those documents with
18 us?

19 ATTORNEY PICKENS: Objection to
20 form.

21 THE WITNESS: From my
22 understanding, there was a subpoena.

1 The documents were provided to counsel,
2 I believe. I'm not sure whether you
3 got those documents or what the outcome
4 of that is.

5 But whatever documents they have
6 are available to you through whatever
7 course you need to get to those.

8 BY ATTORNEY VALENTE:

9 Q. We briefly talked about your
10 co-inventor, Mr. Selim, before. Who is
11 Mr. Selim?

12 A. Mo Selim is a very experienced
13 designer that I know personally. I've
14 known him for many years.

15 Q. And he worked at Flextronics?

16 A. That's correct.

17 Q. What was his title there?

18 A. In the beginning, I believe he
19 was senior interaction designer as well.

20 Q. Do you recall what his title was
21 after senior interaction designer?

22 A. No, I don't recall.

1 Q. Did he have a title after that?

2 A. I don't recall. But he would
3 have had a title, yes. Yes, he would have
4 had a title.

5 Q. Did his title change?

6 A. It might have, yes.

7 Q. And what group did Mr. Selim work
8 in?

9 A. He reported to me.

10 Q. Have you been in contact with
11 Mr. Selim?

12 A. Yes.

13 Q. When?

14 A. I speak to Mo Selim probably
15 every other week.

16 Q. And how long have you spoken to
17 Mr. Selim every other week for?

18 A. Over coffees, half hour, hour.

19 Q. Has that been going on since you
20 worked with him at Flextronics?

21 A. No.

22 Q. When did that start?

1 A. Prior to that. We worked
2 together at Siemens.

3 Q. Has it continued regularly since
4 then?

5 A. Yes.

6 Q. When did you work at Siemens
7 together?

8 A. I wish I had my CV in front of
9 me.

10 I think we worked together at
11 Siemens in 2006. I would have been there
12 probably from 2003 to 2006, three years, I
13 think. Three years is what sticks in my
14 head.

15 Q. What did Mr. Selim contribute to
16 the '494 patent?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: So from reviewing
20 the patent and from reviewing the work
21 that we did together, it was a lot of
22 behaviors around the application model.

1 BY ATTORNEY VALENTE:

2 Q. Can you elaborate on that?

3 A. So Mo Selim was developing the
4 browser application, and Mo Selim had new
5 ideas around how the browser applications
6 could be interacted with, and that changed
7 some of the rules that we had -- or added
8 to some of the rules around the WPC model.

9 Q. Do you recall which rules?

10 A. I believe the browser application
11 started to introduce new full-screen modes
12 to be able to see and view across both
13 screens in a different way than we were
14 conceiving of earlier.

15 Q. What do you mean by "in a
16 different way than we were conceiving of
17 earlier"?

18 A. Well, we had very generalized
19 rules for the WBC model, and the ideas that
20 Mo brought were specifically around the
21 browser and extended those ideas at the
22 application level that we felt impacted the

1 overall WBC model, or extended the WBC
2 model.

3 Q. Are there any specific claim
4 limitations you can identify that were
5 contributed by Mr. Selim?

6 A. I'm sorry?

7 Q. In the '494 patent, are there any
8 claim limitations you can identify that
9 were contributed by Mr. Selim?

10 A. So in general practice, we would
11 provide our specifications to the
12 attorneys, our lawyers at Flex. They would
13 then create the claims.

14 I can only speak to the designs
15 that we provided. The claims were
16 developed by the attorneys. We didn't have
17 a detailed understanding of limitations or
18 what the claims referred to and the
19 legalese.

20 Q. In your declaration, though, you
21 compare the alleged conception evidence to
22 the claim limitations, right?

1 A. What I do is I look at the claims
2 themselves and map them into the work that
3 we did.

4 Q. In reviewing those claim
5 limitations to map them to the work that
6 you did, did you identify any claim
7 limitations that were contributed by
8 Mr. Selim?

9 ATTORNEY PICKENS: Objection to
10 form.

11 THE WITNESS: I reviewed, in
12 general, the claims and mapped them
13 into the documents. I didn't assess
14 any limitations that Mo had created.

15 BY ATTORNEY VALENTE:

16 Q. Was Mr. Selim involved in
17 reducing any of those claims to practice?

18 A. Mo was a designer, similar to
19 myself. We provided the specifications to
20 the developers. The developers were
21 writing the code to produce the working
22 behaviors.

1 There may have been some images
2 that Mo created that would make their way
3 into the code. Mo would have also tuned
4 some of the gestures, tuning just for
5 timing, that made it into the working code.

6 Q. Can you take a look at
7 Exhibit 2013.

8 (Whereupon, Previously Marked
9 Exhibit 2013 is identified for
10 the record.)

11 BY ATTORNEY VALENTE:

12 Q. And what is Exhibit 2013?

13 A. So Exhibit 2013 is the browser
14 interaction design specification.

15 Q. And that is Version 0.4 of that
16 document?

17 A. It's actually, I think, .5. But
18 the title says .4.

19 Q. When you say ".5" because Page 2
20 lists .5 in the version history?

21 A. Yes. That's correct.

22 Q. Okay.

1 A. And the information that's
2 contained in the bullet was contained in
3 the document, the actual added Zoom buttons
4 to scroll [indiscernible].

5 THE STENOGRAPHER: I can't hear
6 you.

7 THE WITNESS: Yes. So the
8 information that's contained next to
9 the .5 was also contained in the
10 specification.

11 BY ATTORNEY VALENTE:

12 Q. Can you turn to Page 34 of that
13 document.

14 A. Yes.

15 Q. So on the left side, we see a
16 bookmark tab, right?

17 A. That's correct.

18 Q. Or bookmark page. What's the
19 correct terminology there?

20 A. Pardon me?

21 Q. Would you call it a page? What's
22 the correct terminology?

1 A. That would work.

2 Q. Then the right side --

3 A. Sorry. Let me -- just to be
4 consistent with the document, it's called a
5 view. So it's a bookmark view.

6 Q. Then on the right side, we see
7 what's referred to in the document as the
8 browser canvas?

9 A. That's correct.

10 Q. Is one side of that a parent and
11 one side a child?

12 A. Yes.

13 Q. How would I determine that?

14 A. It's up to the designer to
15 determine that. So we basically looked at
16 the parent as the primary part of the page.

17 Q. Is the child one that is opened
18 from or accessed from the parent?

19 A. Can you repeat that?

20 Q. The child, is that opened from
21 interacting with the parent?

22 A. In this case, in dual screen,

1 the -- what we consider the child or the
2 secondary page is on the left and is opened
3 from a gesture to get to this view.

4 Q. Is that gesture initiated while
5 the parent is open?

6 ATTORNEY PICKENS: Objection.
7 Form.

8 THE WITNESS: In this case, to
9 get to this state, the gesture would
10 have been initiated from the gesture
11 region.

12 There are scenarios where I
13 believe that the child might already be
14 up, and then you could swipe in the
15 gesture region to open up to see what's
16 the parent.

17 BY ATTORNEY VALENTE:

18 Q. What makes one side the child?

19 A. Generally, we spoke about the
20 child -- so the primary portion of the
21 application is what we call the parent. So
22 in this case, the browser has a primary

1 portion which is the canvas. And we made
2 the child the secondary portion.

3 Every application has their own
4 rules for how they display themselves.

5 Q. And this embodiment, can you open
6 the child without having the parent already
7 open?

8 ATTORNEY PICKENS: Objection to
9 form.

10 THE WITNESS: I'm sorry. Can you
11 clarify which embodiment?

12 BY ATTORNEY VALENTE:

13 Q. The embodiment we see on Page 34
14 of Exhibit 2013.

15 A. Okay. Now, can you ask the
16 question?

17 Q. Yes. Is it possible to open the
18 child window without having the parent
19 already open?

20 ATTORNEY PICKENS: Same
21 objection.

22 THE WITNESS: So when we -- to

1 get to this specific view, you are in
2 dual screen mode. When you open
3 through a gesture to get to the second
4 screen, or to display the second view,
5 this is the view that you end up
6 seeing.

7 BY ATTORNEY VALENTE:

8 Q. To get this view, do you need to
9 put the gesture in while the primary window
10 is displayed?

11 ATTORNEY PICKENS: Object to
12 form.

13 THE WITNESS: There's scenarios
14 where you could be editing, for
15 instance, a bookmark when it's in the
16 child.

17 BY ATTORNEY VALENTE:

18 Q. So if you go back to Page 33,
19 this describes the portrait dual screen
20 application map; is that right?

21 A. That's correct.

22 Q. What are the three gray boxes

1 under the Browser-PD box?

2 A. So this is the -- presenting the
3 browser in its portrait dual screen mode,
4 and those are representing the three
5 different primary states -- not primary
6 states, but the -- the three different
7 states where the -- on the left the control
8 panel has three tabs, it has a bookmark
9 tab, a most viewed tab and a history tab.
10 And that's why there's three different
11 representations.

12 Q. Are those starting states for the
13 portrait dual screen display?

14 ATTORNEY PICKENS: Objection.
15 Form.

16 THE WITNESS: When you go from
17 the single-screen view and you swipe it
18 open, those would be the states in
19 which you could see in portrait dual if
20 you had no other input on those other
21 surfaces.

22 ///

1 BY ATTORNEY VALENTE:

2 Q. You referenced swiping a few
3 times. Exhibit 2013 doesn't describe any
4 gesture inputs anywhere, does it?

5 A. I'd have to look at the document.

6 (Pause for reading/reviewing.)

7 THE WITNESS: No.

8 BY ATTORNEY VALENTE:

9 Q. So if you go back to Page 33 of
10 that document. It's Exhibit 2013. Just
11 let me know when you're there.

12 A. Yes.

13 Q. There are three different dashed
14 boxes shown on that diagram, right?

15 A. One, two, three, yes.

16 Q. Inside those dashed boxes, those
17 are inputs, right? And just to clarify, I
18 mean inside those dashed boxes, those are
19 inputs that can be activated by a user,
20 correct?

21 A. Those refer to -- yes. Those are
22 inputs that are on screen and accessible

1 for use.

2 Q. And those are buttons?

3 A. Some of them may be buttons, some
4 of them may be icons which are buttons.
5 Some of them may be text. Some of them may
6 be menus.

7 Q. None of them are gestures?

8 A. No. Actually, let me clarify.

9 (Pause for reading/reviewing.)

10 THE WITNESS: None of them are
11 gestures.

12 BY ATTORNEY VALENTE:

13 Q. Can we go back to your
14 declaration, 2001?

15 A. I'm sorry. Which page?

16 Q. Exhibit 2001. Let's go to
17 Paragraph 5, should be on Page 2.

18 A. Paragraph 5, Page 2, yes.

19 Q. Did you take that picture?

20 A. I don't believe I did. I don't
21 think so.

22 Q. Do you know who took that

1 picture?

2 A. I don't recall. No, I don't -- I
3 don't know. I might have taken it, but I
4 don't think I did.

5 Q. Do you know when it was taken?

6 A. No, I don't.

7 Q. If you go to Paragraph 27. I
8 want to look at the page that's on to 17.

9 A. Yes.

10 Q. Did you take the image that's
11 labeled Exhibit 2014 underneath?

12 A. No, I did not.

13 Q. Do you know who took that image?

14 A. I believe that might have been
15 either Ron or Ed.

16 Q. Do you know when they took that?

17 A. It might have been at the time of
18 our discussions with the counsel.

19 Q. Can you remind me what time that
20 was?

21 A. Earlier this year, February,
22 maybe March.

1 Q. And Paragraph 28, there's two
2 more pictures on Page 18 of your
3 declaration, right?

4 A. That's correct.

5 Q. The one on the left, did you take
6 that one?

7 A. No, I did not.

8 Q. Do you know when that was taken?

9 A. I believe it was probably at the
10 same time.

11 Q. Do you know who would have took
12 it?

13 A. Might have been -- I don't know
14 who. It wasn't me. It might have been Ron
15 or Ed.

16 Q. And the picture on the right on
17 Page 18?

18 A. Yes.

19 Q. The same for that one?

20 A. Yes, that's correct.

21 Q. If we turn to Paragraph 31. That
22 will be on Page 19.

1 A. Turn to page...

2 Q. Page 19, Paragraph 31.

3 A. Oh, Page 19. Okay.

4 Q. Did you take the photograph
5 labeled Exhibit 2017?

6 A. No, I did not.

7 Q. Do you know who took that?

8 A. I would assume it's Ron or Ed,
9 possibly.

10 Q. Do you know when they would have
11 taken that?

12 A. I would expect it to be around
13 the same time in February or March, earlier
14 this year.

15 Q. There's a bit of a reflection of
16 a hand of a person, whoever is taking the
17 picture in that screen. Does that help you
18 identify who may have taken that
19 photograph?

20 A. No, it doesn't.

21 Q. If we go to Paragraph 36. I want
22 to look at the image on Page 22.

1 A. Yes.

2 Q. Did you take that image?

3 A. I don't believe I did.

4 Q. Do you know who took that image?

5 A. Could be Ron or Ed.

6 Q. Do you know when it was taken?

7 A. February-March, early this year.

8 Q. If you look at Paragraph 62, the
9 part on Page 41.

10 A. Uh-huh.

11 Q. Is that the same image that we
12 just looked at in Paragraph 36?

13 A. It appears to be based on my
14 analysis of this document just looking at
15 this.

16 Q. Can you turn to Paragraph 11 of
17 your declaration.

18 A. Yes.

19 Q. In that paragraph, you're
20 discussing Exhibit 2006, right?

21 A. Yes.

22 Q. And you say Page 15 of

1 Exhibit 2006 shows a handset with the same
2 form factor as the Imerj prototypes shown
3 above.

4 Do you see that? You have
5 excerpts on the next page of your
6 declaration if that's what you're looking
7 for.

8 A. Oh, yes, yes.

9 Q. The dashed box we see on the
10 figures on Page 5 of your declaration, is
11 that the gesture capture strip?

12 A. Yes, it is.

13 Q. Is that gesture capture strip
14 part of any display in the device shown?

15 A. It's a part of the screen.

16 Q. Is it part of the display?

17 A. That specific one, no.

18 Q. If we look back at the image on
19 page -- or Paragraph 62 of your declaration
20 on Page 41.

21 A. Yes.

22 Q. That is an image of the EV2

1 prototype, right?

2 A. Based on the image that's found
3 on Page 22, which references that as the
4 EV2, my confirmation that those are the
5 same images, I would assume that this is
6 EV2.

7 Q. And there you annotate a gesture
8 capture region in a red box, right?

9 A. That's correct.

10 Q. Is that gesture capture region
11 part of the display?

12 ATTORNEY PICKENS: Objection to
13 form.

14 THE WITNESS: As I mentioned
15 earlier, that's a part of the screen.

16 BY ATTORNEY VALENTE:

17 Q. That's not part of a display?

18 ATTORNEY PICKENS: Objection.
19 Form.

20 THE WITNESS: As I specified
21 earlier, the one that's -- it's not a
22 part of the display. It's part of the

1 screen.

2 BY ATTORNEY VALENTE:

3 Q. And do you recognize that as an
4 EV2, or were you getting that from reading
5 your declaration?

6 A. I recognize it as an EV2 -- or
7 EV1 or EV2, but EV2.

8 Q. How would you distinguish between
9 an EV1 and an EV2?

10 A. I believe at the back is where
11 those connections that I mentioned earlier.
12 But I can't confirm that.

13 Q. From the front, they're
14 identical?

15 A. It appears to be, yes.

16 Q. And Paragraph 50 of your
17 declaration, you include the claim language
18 from challenged claims, right?

19 A. Yes.

20 Q. And just to be clear, the
21 challenged terms are Claims 1, 2, 4, 6, 9,
22 10, 12 through 14 and 18 through 20?

1 A. That's correct. But I believe
2 Claim 2 might be [indiscernible].

3 (Stenographer requests
4 clarification and colloquy will
5 not be captured on the written
6 record.)

7 THE WITNESS: -- pulled out,
8 removed.

9 BY ATTORNEY VALENTE:

10 Q. And then you have the claim
11 language for Claim 14 spanning Pages 29 to
12 30, right?

13 A. That's correct.

14 Q. It actually goes on to 31, just
15 to be clear.

16 And you have these divided into
17 elements, the claims, right?

18 A. (Nods head.)

19 Q. So the second element down on
20 Page 30 is a gesture capture region wherein
21 the gesture capture region is located
22 within a second area of the first display?

1 A. That's correct.

2 Q. And then the fifth limitation is
3 a second gesture capture region wherein the
4 second gesture capture region is located
5 within a second area of the second display;
6 is that right?

7 A. Display memory, is that the...

8 Q. It does say "memory" at the end,
9 so maybe you can help clarify something for
10 us as well there.

11 Is memory supposed to be part of
12 that limitation, or is that a typographical
13 error?

14 ATTORNEY PICKENS: Objection to
15 form.

16 THE WITNESS: So the patent claim
17 language was written by the lawyers.
18 They wrote it in a way that
19 Defendant -- or the novelty of our --
20 of our designs. So I can only speak
21 for how I interpret that with respect
22 to the designs itself.

1 BY ATTORNEY VALENTE:

2 Q. But we just looked at the EV2
3 device where the gesture capture region is
4 not in a display, right?

5 A. Yes.

6 Q. So doesn't that mean that
7 Claim 14 does not reduce to practice?

8 ATTORNEY PICKENS: Objection to
9 form.

10 THE WITNESS: So my -- again --
11 my interpretation is limited to how we
12 built the Imerj product specifically.
13 The language here is very -- it's a
14 different set of language than how we
15 described it while we were designing it
16 and building it.

17 We had a phone that was closed.
18 We would call that single screen.
19 Where the phone was open, it was called
20 a dual screen.

21 The capacitant -- I'm sorry, the
22 touch region that was above the display

1 was called the off-screen gesture
2 region. There was a touch region that
3 was also on the display itself where we
4 would render the views of the
5 applications.

6 BY ATTORNEY VALENTE:

7 Q. But that is not the gesture
8 capture region?

9 A. Which?

10 ATTORNEY PICKENS: Objection to
11 form.

12 THE WITNESS: Can you please
13 specify.

14 BY ATTORNEY VALENTE:

15 Q. The touch region you just
16 referred to on the display, that's not the
17 gesture capture region, right?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: So the off -- the
21 gesture region that we described -- as
22 described here is above the display

1 region.

2 BY ATTORNEY VALENTE:

3 Q. Right. So it's not part of the
4 display, right?

5 ATTORNEY PICKENS: Objection to
6 form.

7 THE WITNESS: It's a part of the
8 screen. Gestures could be tracked from
9 the off-screen gesture region through
10 the screen itself -- through the
11 display region itself.

12 BY ATTORNEY VALENTE:

13 Q. Let's look at Claim 2 in
14 Paragraph 50.

15 A. Yes.

16 Q. And you see that says, "The first
17 input from the user is received in a
18 gesture capture region of the device and
19 wherein the gesture capture region is
20 included as part of at least one of the
21 first and second displays of the device,"
22 right?

1 A. Yes.

2 Q. And you discuss Claim 2 in
3 Paragraph 55; is that correct?

4 A. Yes.

5 Q. And there you talk about -- you
6 state, "The Imerj EV1 and EV2 had a gesture
7 bar running across the top of both
8 screens," correct?

9 A. That's correct.

10 Q. You understand that a screen is
11 different from a display in the '494
12 patent?

13 A. Yes.

14 Q. So why are you talking about
15 screens in Paragraph 55 when the claim
16 requires a display?

17 A. So specifically on the Imerj EV1
18 and EV2, we described, as I said, the
19 device, when it's closed, to have one
20 screen, single screen. When the device is
21 open, we have two screens.

22 Displays were rendered in certain

1 portions of the screens. Those displays
2 could show one application. Those displays
3 could show multiple applications. Multiple
4 displays could be used to show similar --
5 sorry -- two parts from the same
6 application.

7 Q. You understand that Claim 2
8 doesn't use the word "screen," right?

9 A. That's correct.

10 Q. And Claim 2 requires the gesture
11 capture region to be part of one of the
12 first and second displays?

13 A. That's what the claim says.

14 Q. You don't point to anywhere in
15 your declaration where the gesture capture
16 region is part of a display, do you?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: So I simply cite
20 how we designed and how we -- how the
21 development team built and the hardware
22 team built the device.

1 We have a -- when the device is
2 closed, it's single screen. We
3 consider that surface to be the screen.
4 When the device is open, we have a
5 separate -- a secondary screen, two
6 screens.

7 Gestures were tracked from the
8 off-screen region area. They could go
9 into the display area. The
10 implementation of EV1 and EV2 chose to
11 allow the user to only initiate the
12 gesture in the off-screen gesture
13 region to minimize and maximize the
14 applications.

15 We just as easily could have done
16 it within the display region. The
17 software is written in a way where it
18 could accomplish either of those
19 scenarios. This specific manifestation
20 of the hardware did it in one
21 particular way.

22 ///

1 BY ATTORNEY VALENTE:

2 Q. And that particular way is having
3 the gesture capture region not be part of
4 the display?

5 ATTORNEY PICKENS: Objection to
6 form.

7 THE WITNESS: To have -- the way
8 that we chose to do it was to initiate
9 the gestures to minimize and maximize
10 within the off-screen gesture space.

11 BY ATTORNEY VALENTE:

12 Q. And the off-screen gesture space
13 is not part of the display, right?

14 A. It's above the display in this
15 sense.

16 ATTORNEY VALENTE: I think we're
17 probably due for a break.

18 THE STENOGRAPHER: Off the
19 record.

20 (Whereupon, a recess was taken at
21 11:14 a.m.)

22 ATTORNEY VALENTE: Back on.

1 BY ATTORNEY VALENTE:

2 Q. Okay. So we were looking at
3 Exhibit 2013 before.

4 Do you still have that open? If
5 I could take you down to Page 34 when you
6 get there.

7 A. Okay. To Page 34?

8 Q. Yes, please.

9 A. Okay.

10 Q. And you had said that the page on
11 the right of that figure is a parent page,
12 and the page on the left is a child page,
13 right?

14 A. Yes.

15 Q. Is the designation of parent and
16 child a choice that's made by the designer?

17 A. It's a choice made by the
18 application and the intent of the
19 application.

20 Q. Doesn't someone have to program
21 that?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: I'm sorry. Could
3 you clarify the question?

4 BY ATTORNEY VALENTE:

5 Q. Doesn't someone have to program
6 into the application which is the parent
7 and which is the child?

8 A. Based off the specification, yes.

9 Q. Looking at this figure, is there
10 any way to tell from the figure itself
11 which is the parent and which is the child?

12 A. No.

13 Q. What would you have to know to
14 determine which is the parent and which is
15 the child?

16 A. As a designer, we would determine
17 which is the parent and which is the child
18 based on the application itself and then
19 the use of that application.

20 Q. Is there a difference between a
21 parent and a primary?

22 A. Generally in this case I don't --

1 [indiscernible].

2 (Stenographer requests
3 clarification and colloquy will
4 not be captured on the written
5 record.)

6 THE WITNESS: I consider the
7 parent to be the primary, yes, primary.

8 BY ATTORNEY VALENTE:

9 Q. Is there a difference between
10 child and the auxiliary?

11 A. Those are very similar terms. I
12 think a child is a more generic
13 representation of auxiliary in this case.

14 Q. Is that the understanding that
15 you applied when you analyzed the claims in
16 your declaration?

17 A. So my review of the claims,
18 sometimes they're specified what is
19 primary, what is secondary, what is the
20 child, what is auxiliary.

21 Looking at the specifications
22 that we had created, WPC specifically, the

1 overall window management system, it would
2 allow for any combination that the
3 applications [indiscernible].

4 (Stenographer requests
5 clarification and colloquy will
6 not be captured on the written
7 record.)

8 THE WITNESS: -- determined or
9 needed.

10 BY ATTORNEY VALENTE:

11 Q. Can you explain what you mean by
12 "any combination"?

13 A. What I mean is that -- if I can
14 refer to a different document?

15 Q. Certainly. Yes, you can refer to
16 whatever document. Just please tell me
17 which document it is.

18 A. Yes. It's 2013.

19 Q. That was the document we're
20 already in.

21 A. I'm sorry. Oh, I'm reading
22 upside down. 2012. Thank you.

1 (Whereupon, Previously Marked
2 Exhibit 2012 is identified for
3 the record.)

4 BY ATTORNEY VALENTE:

5 Q. Thank you.

6 A. So if you look at Page 10, the
7 Introduction to Maximization and
8 Minimization Rules 2.1. Let me know when
9 you get there.

10 Q. All right. I'm at Page 10.

11 A. So from the point of view of "The
12 WPC system, applications are either
13 maximized to span across two screens or
14 minimized to one screen. The application
15 and its internal structure determines the
16 details on that action (i.e., which views
17 move during minimization and which remain
18 visible)."

19 The WPC and the way that the EV1s
20 and EV2s were reduced to practice allowed
21 for any combination of minimization and
22 maximization. Parent, child, auxiliary

1 detail, we could come up with any
2 combination.

3 And different applications chose
4 to represent different views in different
5 ways, either on the state of the
6 application, meaning some modules open, or
7 based on its primary intent.

8 It was a very flexible system.
9 And every application it had could
10 determine how it needed to be best
11 represented on those minimization or
12 maximization rules.

13 Q. Can we go back to your
14 declaration, 2001.

15 A. Yes.

16 Q. If you can go to Paragraph 38.

17 A. Yes.

18 Q. About 3/4 of the way through
19 Paragraph 38, you state that your
20 recollection was that "by January 25, 2011,
21 the EV2 prototypes were fully functional
22 for their intended purpose"?

1 A. That's correct.

2 Q. What do you mean by "intended
3 purpose"?

4 A. So what I mean by "intended
5 purpose" was that the EV1s -- in this case,
6 the EV2 prototypes were able to perform --
7 with respect to this '494, were able to
8 perform the claims as they're mapped into
9 my interpretation of those claims, based on
10 our designs, based on the functionality
11 that I observed through the course of
12 designing this product.

13 Q. Exhibit 2006 we talked about
14 briefly before. That's the UX foundation
15 overview?

16 A. Yes, that's correct.

17 (Whereupon, Previously Marked
18 Exhibit 2006 is identified for
19 the record.)

20 BY ATTORNEY VALENTE:

21 Q. And you said that this document,
22 if I recall correctly, compiles information

1 from other documents?

2 A. That's correct.

3 Q. Okay. Is it your testimony that
4 the EV1 device implements into all the
5 details of Exhibit 2006 exactly as set
6 forth in that exhibit?

7 A. Yes, it is.

8 Q. Is it also your testimony that
9 the EV2 device implemented all the details
10 of Exhibit 2006 exactly as set forth in
11 that exhibit?

12 A. Yes.

13 ATTORNEY PICKENS: Objection to
14 form to the prior questions.

15 BY ATTORNEY VALENTE:

16 Q. Can you point me to a document
17 that says the details of Exhibit 2006 were
18 implemented exactly as set forth in the EV1
19 device?

20 A. So to clarify, for the sake --
21 for this '494, the minimization and
22 maximization rules, those are specifically

1 what I'm referring to as what was
2 implemented from this document.

3 For the EV1, there was a point in
4 time where our product functionality was
5 mature enough that we could build an
6 application called a -- or as you see, we
7 designed the browser application. The
8 browser application, we hired a third party
9 to build that application for us.

10 For EV1, there's a document that
11 we have that we were testing the browser
12 application as software came back to us in
13 early January of 2011, and we were testing
14 it against the -- all use cases that the
15 browser specification needed to provide.
16 Just give me a second to find the test
17 results.

18 (Pause for reading/reviewing.)

19 THE WITNESS: Exhibit 2011, on
20 the first page, second from the bottom,
21 one of our testers, Christine, was
22 testing the functionality of browser

1 application on EV1, as you can see.

2 It says having -- and this was an
3 issue that she identified on her EV1
4 hardware. There's an issue with the
5 bookmarks tab. There seems to be some
6 latency between selecting a bookmark
7 and the feedback queue that the page is
8 loading.

9 She cites that she is having --
10 she tested with EV1, disabled Wi-Fi and
11 using [indiscernible].

12 (Stenographer requests
13 clarification and colloquy will
14 not be captured on the written
15 record.)

16 THE WITNESS: -- using Rogers 3G.

17 We were testing the EV1 for the
18 software that was provided to us by
19 ThunderSoft. This document reflects
20 and refreshes my memory when we were
21 doing the actual testing, what kind of
22 device we were testing on.

1 So my understanding, my
2 recollection is that EVIs were able to
3 perform the actions or claims from '494
4 within those devices, because if we
5 were -- at that time, we were
6 testing -- as we were testing this,
7 there was a very -- the window WPC
8 minimizing, maximization were very core
9 to our product, and they were very
10 robust.

11 The mapping of the testing of the
12 browser software onto the EVIs is
13 documented in this. My understanding
14 is that the functionality that we were
15 looking to build for the intended
16 purposes of being able to minimize and
17 maximize word functioning on those
18 devices.

19 BY ATTORNEY VALENTE:

20 Q. What in Exhibit 2011 tells me
21 that what's being tested is the
22 functionality described in Exhibit 2006?

1 A. Within 2006, the very high-level
2 views of browser are captured in -- on
3 Pages 118 and 119, describe the movement of
4 portrait single to dual, portrait dual to
5 single. All of these would have been core
6 test cases that would have been tested from
7 our vendor.

8 Q. So I understand your testimony is
9 that Exhibit 2006 was implemented in the
10 EV1 and EV2 license. But what I'm trying
11 to understand is where can I look to see
12 something that tells me that that actually
13 occurred?

14 A. So there's -- I don't have any
15 documentation that directly will confirm
16 that information. I can tell you from my
17 recollection of using the devices that the
18 functionality was available at that time on
19 both EV1 and EV2.

20 I used and tested these devices
21 through the course of the development of
22 the product. And at the time when we were

1 testing the ThunderSoft application for
2 browser, I used those devices and I saw
3 that behavior.

4 The minimization and maximization
5 that -- they were so essential to our
6 product, that had they not functioned, I
7 would have lost my job. Because I wouldn't
8 be ensuring that the product was being
9 built in a way that stood up to our
10 specifications.

11 Q. On Paragraph 74 of your
12 declaration, you have some statements about
13 Exhibit 2011. Just direct us to...

14 Are you there?

15 A. Yes, I'm there.

16 Q. If you look at Page 75, it would
17 be the third-to-final sentence, I believe.
18 You state, "The issues listed in the
19 document" --

20 A. I'm sorry. Which page?

21 Q. Page 49. I did say 75. I'm
22 sorry. Page 49 of Paragraph 74. The

1 third-to-last sentence, you see it states,
2 "The issues listed in the document do not
3 relate to the core functionality of
4 minimizing and maximizing between portrait
5 dual display and portrait single display
6 within the browser app."

7 Do you see that?

8 A. Yes.

9 Q. Is the functionality of the
10 browser app generally described in
11 Exhibit 2013 that we looked at before?

12 A. Yes, that's correct.

13 Q. If we look at the table of
14 contents. It's Page 3 of Exhibit 2013.

15 A. Yes.

16 Q. I see on Page 44, Section 3.11.
17 It says, Minimizing Portrait Dual.

18 Do you see that?

19 A. Yes.

20 Q. Is that the minimizing function
21 you're referring to?

22 A. Yes. That's the application's

1 expected behavior in response to WPC events
2 that are specified in the WPC document.

3 Q. What I don't see on here is a
4 description of maximizing. Am I missing
5 that, or can you point me to it?

6 A. So there are many views that show
7 you the end result of the maximization.
8 Pretty much from 33 -- from portrait dual
9 up until 43 describe the expected output of
10 the result of a maximization event.

11 Q. But this document doesn't
12 describe the maximization event itself?

13 ATTORNEY PICKENS: Objection.
14 Form.

15 THE WITNESS: The way that these
16 documents are written, they assume that
17 the WPC is robustly there. And they
18 work together. That's why the UX
19 foundation described the entire system.

20 BY ATTORNEY VALENTE:

21 Q. And the WPC you're referring to,
22 Exhibit 2012, I believe it is?

1 A. Yes.

2 Q. So you're saying as we read these
3 other documents, we should assume that
4 they're implementing what's in Exhibit 2012
5 for context?

6 A. That is correct.

7 Q. Do you have a copy of
8 Exhibit 2010?

9 A. Yes, I do.

10 (Whereupon, Previously Marked
11 Exhibit 2010 is identified for
12 the record.)

13 BY ATTORNEY VALENTE:

14 Q. And there is a version of this
15 exhibit designated protective order
16 material. Is that the version that you
17 have?

18 A. Yes, I do.

19 Q. Do you know who this --

20 ATTORNEY PICKENS: I just -- for
21 the record, the witness is looking at
22 the redacted version.

1 BY ATTORNEY VALENTE:

2 Q. Do you know who this document is
3 confidential to?

4 A. Yes, I do.

5 Q. Who?

6 A. I believe the exhibits, there are
7 both versions?

8 Q. There was a confidential and
9 nonconfidential version submitted, if
10 that's your question.

11 A. Hisense.

12 Q. Is this a Flextronics document?

13 A. Yes, it is.

14 Q. Why is a Flextronics document
15 confidential to Hisense?

16 A. I don't know. I can't speak to
17 that.

18 Q. This document came from your
19 collection?

20 A. I can only speak to the source
21 document. I don't know whether this was in
22 my files or not. I would have to look

1 through all those files to determine that.

2 Q. What do you mean by the "source
3 document"?

4 A. This document is based on
5 Document 210.

6 Q. Did Exhibit 10 -- I think it's
7 2010, you mean?

8 A. 2010. Yes. Thank you for
9 correcting me.

10 Q. Did Exhibit 2010 come from your
11 collection?

12 A. That's correct.

13 Q. So if we look at Exhibit 2010,
14 can you go to Page 7?

15 A. Yes.

16 Q. And this is titled, Imerj
17 Engineering?

18 A. That's correct.

19 Q. Is this an accurate organization
20 chart of Flextronics as of the date of this
21 document?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: I'm going to review
3 the document to determine.

4 (Pause for reading/reviewing.)

5 THE WITNESS: I'm not sure. I
6 mean, it's very hard for me to map into
7 what the -- at that time in 2009, what
8 the org chart looked like. And I don't
9 know if this was a proposal or was the
10 reality.

11 BY ATTORNEY VALENTE:

12 Q. Okay.

13 A. I can speak that there -- I
14 recognize many members here. I don't know
15 if the exact titles would be the same, but
16 the overall org structure, who reported to
17 what, seems correct.

18 Q. And the date on this document is
19 September 8, 2011, right?

20 A. That's correct.

21 Q. On Page 6, it's titled, Imerj
22 Engineering Design Centers are Located in

1 North America and Asia.

2 Do you see that?

3 A. Yes, that's correct.

4 Q. And on the far left we see a
5 Toronto design center, right?

6 A. That's correct.

7 Q. That says the head count was 155
8 at that time?

9 A. That's what it says there, yes.

10 Q. To the best of your knowledge, is
11 that accurate?

12 A. To the best of my knowledge, I
13 don't dispute that.

14 Q. And that's the Burlington
15 location, it looks like?

16 A. Seems correct, yes.

17 Q. And that's where you worked,
18 right?

19 A. That's correct.

20 Q. Did any of the other developments
21 -- strike that.

22 Did any of the other design

1 centers work on the minimizing and
2 maximizing functions?

3 A. I don't think I'd be able to tell
4 you. I can say that the Burlington site
5 did.

6 Q. Do you know what the purpose of
7 this document is?

8 A. So this document -- so this
9 document is to introduce the Imerj product
10 to Hisense.

11 Q. Was it presented to Hisense?

12 A. That's correct.

13 Q. Does this show the minimizing and
14 maximizing functions anywhere?

15 (Pause for reading/reviewing.)

16 THE WITNESS: It speaks to
17 multiscreen software -- as an area of
18 innovation, multiscreen.

19 BY ATTORNEY VALENTE:

20 Q. Where do you see that?

21 A. Sorry. On Page 20.

22 Q. Are you at the second bullet --

1 A. That's correct.

2 Q. -- under Innovation?

3 A. Yes.

4 Additionally on Page 18, it shows
5 an application -- two applications
6 side-by-side. Underneath, it shows
7 full-screen browsing where you have one
8 application across two screens.

9 Q. In the full-screen browsing
10 window, we see the same application window
11 across both screens, right?

12 A. That's correct.

13 In the agenda, there's a
14 45-minute -- which is Page 4, Number 5,
15 there is a 45-minute block where I would go
16 over the user experience using a very
17 similar document to what you have on behalf
18 of the UX foundation. It's not in this
19 document, but that's...

20 Q. You said you'd use a document
21 similar to the exhibit, the UX foundation
22 exhibit?

1 A. Yes.

2 Q. And that's Exhibit 2006, right?

3 A. Something similar to that, yes.

4 On Page 17, it points to the
5 off-screen gesture area.

6 Q. Do you have a copy of
7 Exhibit 2007?

8 A. Yes, I do.

9 (Whereupon, Previously Marked
10 Exhibit 2007 is identified for
11 the record.)

12 BY ATTORNEY VALENTE:

13 Q. And what is Exhibit 2007?

14 A. This is a document called Tiger
15 Team's UX Polish, February 18, 2011.

16 Q. Is this a kickoff presentation
17 for the Tiger team's UX polish projects?

18 A. This is -- I wouldn't call it a
19 kickoff. This is just a document that
20 describes the activity that we performed.

21 Q. Was this document created in the
22 middle of doing the UX polish?

1 A. It could have been created prior
2 to that. We started UX polish as soon as
3 Rod Schrock sent his email that the EV2s
4 are ready for a concerted UX review.

5 Q. So Page 5 describes the process,
6 right?

7 A. That's correct.

8 Q. Okay. Number 1 under the process
9 is, "UX numbers will lead and facilitate
10 the process"?

11 A. That's correct.

12 Q. That's written in a future tense
13 "will lead," right?

14 ATTORNEY PICKENS: Objection to
15 form.

16 THE WITNESS: I don't interpret
17 it that way.

18 BY ATTORNEY VALENTE:

19 Q. If this document didn't start the
20 Tiger team's UX polish, do you have a
21 document that did kick off that phase of
22 the project?

1 A. Exhibit 2037.

2 (Whereupon, Previously Marked
3 Exhibit 2037 is identified for
4 the record.)

5 BY ATTORNEY VALENTE:

6 Q. And what are you looking at in
7 that exhibit?

8 A. So this was an email that Rod
9 Schrock had sent, his encouragement towards
10 simple, intuitive engineering achievable
11 solutions to the glitches, which he
12 describes prior to this.

13 His last sentence, "Let's start
14 working these now," was a clear queue for
15 us as the design and engineering team to
16 start to really test the user experience of
17 the product as EV2s were rolling out.

18 Q. Other than your testimony, how
19 can I confirm that the process set forth on
20 Page 5 of Exhibit 2007 was implemented
21 before February 18, 2011?

22 A. During the -- so I'm going to

1 direct you to Exhibit 2008.

2 (Whereupon, Previously Marked
3 Exhibit 2008 is identified for
4 the record.)

5 THE WITNESS: Exhibit 2008 is a
6 document that I had produced during the
7 testing of the UX polish. Rod
8 Schrock's email was dated January 25.

9 You can see that there are -- the
10 five -- I'm sorry -- the eight areas
11 that I have described in the UX
12 kickoff -- what we described as the
13 kickoff, the Tiger team project, the
14 document, I should say, there are eight
15 areas. We were testing each of those
16 eight areas.

17 And you can see that the testing
18 started to occur on January 25th.
19 As -- if you look specifically at the
20 created versus resolved, we start
21 tracking from the 26th of January
22 through the final fault 28 second.

1 Each of the graphs points to bugs that
2 were identified at that time, the
3 higher priority, top 10 bugs that
4 needed to be addressed to address
5 polish.

6 BY ATTORNEY VALENTE:

7 Q. If you look at WPC Top 10.
8 That's on Page 3, right?

9 A. That's correct.

10 Q. And that's of Exhibit 2008, so
11 the record's clear.

12 The first created issue there, is
13 that February -- February 8?

14 A. The first created issue that is
15 captured here is February 8, yes? That
16 means that from the -- what we started,
17 there weren't any bugs from the 26th until
18 the 8th.

19 Q. At least there weren't any bugs
20 recorded.

21 A. Severe bugs that were impacting
22 the core functionality or ones that

1 required polish.

2 Q. So the bugs that we see
3 identified in the red graph here, those
4 would be severe bugs that were impacting
5 the core functionality or required polish?

6 A. Those are the ones that we
7 determined high priority based on -- wait a
8 second.

9 So if we go to Exhibit 2007,
10 Page 2, we talk about our need to look at
11 interaction visual and motion design
12 specifications in order to determine in
13 some of those specifications that we have
14 already seen, the WPC, the browser
15 specifications, these are what we refer to.

16 And on Page 6, we would
17 prioritize usability issues that are in the
18 top 10. As we were in a period of time
19 where the core functionality was available.
20 We were looking to really refine a lot of
21 the smaller details, either visual --
22 visual polish, interaction polish or motion

1 polish.

2 ATTORNEY VALENTE: We're a little
3 bit early for a break. Did you want to
4 break for lunch?

5 ATTORNEY PICKENS: It's up to the
6 witness.

7 THE WITNESS: What?

8 ATTORNEY PICKENS: Whatever you
9 would like.

10 THE WITNESS: Yeah, I would.

11 ATTORNEY PICKENS: Okay.

12 THE STENOGRAPHER: Off the
13 record.

14 (Whereupon, a break for lunch was
15 taken from 12:15 p.m. to
16 12:59 p.m.)

17 BY ATTORNEY VALENTE:

18 Q. Welcome back.

19 A. Thank you.

20 Q. Since we started this deposition
21 today, have you spoken with anyone about
22 the substance of your testimony?

1 A. No.

2 Q. Can we go back to your
3 declaration, Paragraph 40.

4 A. Yes.

5 Q. And the beginning of
6 Paragraph 40, you say you led the Tiger
7 teams, right?

8 A. Yes.

9 Q. What do you mean by you led them?

10 A. I put together the Tiger team
11 from the design perspective, created the
12 presentation to identify the process by
13 which we would capture bugs, as well as
14 framed the -- we framed the way of
15 assessing bugs: polish, performance,
16 functionality, interactions.

17 Q. In Paragraph 41, you say,
18 "Approximately 40 engineers drawn from our
19 software development design and QA teams
20 were spread across eight Tiger teams to
21 identify issues on a daily basis."

22 Do you see that?

1 A. That's correct.

2 Q. How many of those engineers were
3 working on the functionality claimed in the
4 '494 patent?

5 ATTORNEY PICKENS: Objection to
6 form.

7 THE WITNESS: So from my
8 recollection, the engineers, which I
9 had contact with, obviously, you know,
10 being a part of this team, I'm aware of
11 possibly three or four potential
12 engineers that are cited in -- on
13 Page 4 that had some interaction with
14 or development with the WPC system,
15 minimizing and maximizing in either the
16 application or the system software.

17 BY ATTORNEY VALENTE:

18 Q. Page 4. Is that Page 4 of
19 Exhibit 2007?

20 A. That's correct.

21 Q. And which engineers are those?

22 A. John Bisosky, I recall, had some

1 involvement with the architecture of the
2 software. Again, you know, for me, I'm
3 not -- Ron would know best as he drove
4 those teams.

5 I remember and recall having
6 conversations with John around the WPC, in
7 general, over the course of this
8 development. Nothing specific.

9 Maximum -- Maxim, I forget how to
10 pronounce his last name. At that time, I
11 do recall he was actively involved in WPC
12 in terms of dealing with any bugs or
13 glitches that came up about it.

14 Maybe three, not four. I know
15 Diego was on the application side, so he
16 would have to have some knowledge or
17 understanding of the WPC system and the app
18 behavior.

19 So those are the three that I can
20 say at some point I'd work on potentially
21 the WPC system and app management -- or app
22 applications. But I don't think it's

1 limited to those, nor do I believe -- I
2 mean, the development teams would solve
3 bugs based on their priority or
4 availability.

5 Q. The columns here, those are
6 different teams at the Tiger teams?

7 A. That's correct.

8 Q. Was it not just the WPC team,
9 then, that worked on the WPC features?

10 A. If you look at the WPC document.
11 If we can turn back to that, which is --

12 Q. You're referring to Exhibit 2012?

13 A. I think it's -- yeah, window
14 management.

15 So the WPC system touches --
16 touches on minimization to maximization
17 rules. So it's the WPC column. Rotation
18 impacts the WPC window precision control
19 system, how apps [indiscernible].

20 ///

21 ///

22 ///

1 (Stenographer requests
2 clarification and colloquy will
3 not be captured on the written
4 record.)

5 THE WITNESS: -- how apps behave
6 when the device is rotated.

7 And applications have to react to
8 the maximization and minimization
9 rules. So it does touch many different
10 areas of functionality.

11 BY ATTORNEY VALENTE:

12 Q. In Paragraph 42 of your
13 declaration, you say that those teams met
14 for daily review of findings?

15 A. That was my understanding, yes.

16 Q. Did you attend those meetings?

17 A. I attended some of those
18 meetings, yes.

19 Q. How many of the meetings did you
20 attend?

21 A. Over the course -- I believe I
22 attended probably four meetings at the

1 beginning when the Tiger teams were first
2 doing their initial testing.

3 Q. Is that four meetings with the
4 same team, or is that different teams?

5 A. I don't recall.

6 Q. Do you recall which Tiger teams
7 you met with?

8 A. Probably would have been the WPC
9 app management. I think those two teams.

10 Q. How long did the Tiger teams'
11 polish project go on for?

12 A. The Tiger team polish team went
13 on probably another -- well, first of all,
14 I think they were trying to map into the
15 bugs.

16 The goal was to get a behavior
17 implemented across the teams. The behavior
18 is to use the device as -- as a user to
19 investigate the full stack of the device as
20 we got more devices in the hands of our
21 designers and engineers.

22 That was the first priority for

1 me. Rod Schrock had the priority to iron
2 out the bugs.

3 So I think that the Tiger teams
4 would have kept going probably at least
5 another week beyond what I recall and
6 documented here, and would have fallen off
7 at that point in favor of all the new
8 applications that we were developing,
9 refocusing on those other apps.

10 Q. During that total time, do you
11 recall how many meetings you had with the
12 Tiger teams?

13 A. I met through the document -- I'm
14 sorry, the Gira tickets themselves,
15 Number 1.

16 My meeting with the Tiger teams,
17 like I said, probably four to eight times
18 over the course of the two to four weeks
19 that I recall.

20 The next level was to make sure
21 that the -- software engineers -- sorry --
22 the software engineering stack plus QA were

1 on top of these issues. So just watching
2 the bugs rather than being a part of the
3 teams.

4 Q. You still have Exhibit 2007 open
5 in front of you, right?

6 A. Yes.

7 Q. And you have Page 3 open? Or can
8 you go to Page 3.

9 A. Yes.

10 Q. I think you're --

11 A. I'm sorry. Which document?

12 Q. I think you're on a different
13 page. Page 3 of Exhibit 2007.

14 A. Yes.

15 Q. The box Number 2, WPC, it has a
16 bullet point that says "well"?

17 A. Yes.

18 Q. What is the "well"?

19 A. If you turn to Exhibit 2006, on
20 Page 36.

21 Q. Okay.

22 A. You can see that there is a

1 max -- a maximization event occurring. And
2 on the one screen you see a view of the
3 call log, and on the other screen you see
4 the well. The well is a surface that is
5 being displayed while we're expanding the
6 application -- while maximizing the
7 application during the transition of the
8 movement.

9 Once the -- once that well covers
10 the other screen or the app determines it's
11 in dual app mode, then the view is
12 rendered.

13 Q. So the well itself is a sort of
14 interstitial view?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: From the way that
18 we built this product at this time, the
19 well is a screen that appears as a part
20 of the first app being expanded to the
21 second screen, and it's temporarily in
22 view.

1 BY ATTORNEY VALENTE:

2 Q. And while it's temporarily in
3 view, it isn't showing application content?

4 A. At that moment, no, it does not.

5 Q. Do you recall providing two video
6 excerpts in this proceeding?

7 A. Yes.

8 Q. And in your declaration, I
9 believe you have those identified as
10 Exhibits 2023 and 2024. I think on your
11 exhibit list, you'll see those are
12 Exhibits 2022 and 2023; is that right?

13 A. Yeah. There seems to be some
14 sort of confusion. Yes.

15 (Whereupon, Previously Marked
16 Exhibit 2022 is identified for
17 the record.)

18 (Whereupon, Previously Marked
19 Exhibit 2023 is identified for
20 the record.)

21 BY ATTORNEY VALENTE:

22 Q. Do you still have the complete

1 video?

2 A. It was provided, yes, to the --
3 in all of the entire screen -- or file up
4 to counsel.

5 Q. Did you prepare the excerpts
6 yourself?

7 A. No, I did not.

8 Q. Do you know how long the complete
9 video is?

10 A. I believe it's eight minutes,
11 maybe seven minutes, possibly. I might be
12 confused with the videos.

13 Q. What's shown in the rest of the
14 video?

15 A. The rest of the video shows other
16 applications performing minimization and
17 maximization.

18 Q. What other applications?

19 A. Email, phone. It also shows a
20 call being placed or a call being received,
21 applications automatically minimizing --
22 auto-minimizing based on the call being

1 received.

2 Yeah, without looking at the
3 video, I'd have to look at the video to
4 inform, you know, about the rest of it.

5 Q. When preparing your declaration,
6 did you recall that the video was recorded
7 on January 4, 2011?

8 A. Yes.

9 Q. Did you rely on anything to
10 refresh your recollection?

11 A. I relied on two things. One was
12 when we recorded the video, the time was
13 correct. The calendar -- that's the other
14 one. The calendar application had today
15 highlighted as the 4th and then the
16 metadata that was associated with that
17 document -- or the original file.

18 Q. Why did you decide to get
19 involved in this proceeding?

20 A. Why did I get involved in the
21 proceeding?

22 Q. Yes.

1 A. My original -- there's two
2 components. One is the work that we did I
3 thought was really exciting and compelling.
4 I like seeing my stuff become alive and
5 become a product. That was the primary
6 reason.

7 Secondarily, just being exposed
8 to this kind of work, patent process, it
9 was interesting.

10 Q. So I want to go back to your
11 declaration drafting. I asked you some
12 questions earlier. I just want to follow
13 up on some of that.

14 Can you tell me everything you
15 remember about communicating with
16 Mr. Cassar in connection with this
17 proceeding?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: Through the
21 attorneys, we were looking to establish
22 a timeline, were looking to determine

1 whether the devices that I had were
2 able to be revived, turned on.

3 The discussions that I had with
4 Ron specifically around the timeline
5 were on the documents that he provided,
6 which -- or counsel provided to me that
7 they would have gotten from, I'm
8 assuming him, any other documents that
9 came from him.

10 BY ATTORNEY VALENTE:

11 Q. What do you mean, "through the
12 attorneys"?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: So my understanding
16 and with the work that we did, there
17 were times that I had direct
18 communication with Ron, and there were
19 times that I had communication with my
20 attorneys.

21 BY ATTORNEY VALENTE:

22 Q. When you communicated directly

1 with Ron, what form did those
2 communications take?

3 A. In person once, once, it was, and
4 then through Zoom calls with the attorneys.

5 Q. When you had the meeting with
6 Ron, was Ed Becze there too?

7 A. Yes.

8 Q. What about when you had Zoom
9 calls with Ron? Was Ed Becze on those?

10 A. He might have been.

11 Q. Did you ever discuss this
12 proceeding with Ed Becze without Mr. Cassar
13 present?

14 A. No. Not that I recall.

15 Q. Is there anything else you can
16 recall about your communications with Ron
17 in connection with this proceeding?

18 A. Nothing beyond what I already
19 shared, I guess.

20 Q. How many Zoom calls did you have
21 with Ron in connection with this
22 proceeding?

1 A. I think it might be two. Could
2 be more. Maybe three. But no more than
3 that, I don't recall.

4 Q. How long were each of those
5 calls?

6 A. I would say 20, 30 minutes,
7 maybe.

8 Q. And how long was your in-person
9 meeting with Ron?

10 A. Maybe an hour, maybe.

11 Q. Were the Zoom calls after the
12 in-person meeting?

13 A. I don't know the exact order. It
14 might have been a Zoom call. It might have
15 been an in-person and then the Zoom call.
16 I...

17 Q. Why did you have more than one
18 meeting?

19 A. The first meeting was to provide
20 them the devices, physically take them over
21 to their site, outside their office. And
22 then there was subsequent offices that the

1 attorneys set up.

2 Q. Does that mean that the first
3 meeting was in person then?

4 ATTORNEY PICKENS: Objection to
5 form.

6 THE WITNESS: There might have
7 been another meeting before then that
8 was not in person.

9 BY ATTORNEY VALENTE:

10 Q. What was the purpose of those
11 Zoom meetings?

12 A. So the purpose of the Zoom
13 meetings were to -- I'm sorry, as I had
14 mentioned earlier, were to discuss the
15 timeline.

16 Q. Why did you need to discuss the
17 timeline with Mr. Cassar?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: These are
21 conversations that the attorneys set up
22 for us to meet and to discuss the

1 timeline of the project. Those are the
2 discussions that we had during those
3 calls.

4 BY ATTORNEY VALENTE:

5 Q. What about the timeline did you
6 discuss?

7 A. We discussed mostly the kinds of
8 activities we were performing during those
9 times. Those are discussions that then
10 triggered memories and then allowed me, at
11 least on my side, to find artifacts that I
12 had in my possession.

13 Q. Do you have an understanding of
14 why those calls were set up?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: I can't say. Yeah,
18 those were set up by the attorneys.

19 BY ATTORNEY VALENTE:

20 Q. Can you please tell me everything
21 you remember about communicating with
22 Mr. Becze in connection with this

1 proceeding?

2 A. My recollection, the
3 communications I had with Mr. Becze were
4 around the devices and trying to revive the
5 devices and dead devices.

6 I asked a few questions
7 specifically around the connections in the
8 back of the device. He confirmed some
9 information about a potential hazard for
10 trying to charge a device with the wrong
11 adapter.

12 Ed also mentioned how he traveled
13 to the factories to bring up devices -- or
14 devices. And he was also present on some
15 of those Zoom calls.

16 I know one, I don't think the
17 other -- he might have been or it might
18 have been just Ron in the room -- I'm
19 sorry -- Ron on the call and him in the
20 room. I don't recall. And that would be
21 to talk about device -- I'm sorry, the
22 timeline.

1 Q. Were any documents discussed
2 during the in-person meeting?

3 A. No.

4 Q. Were any documents -- excuse me.
5 Were any documents discussed
6 during the Zoom meeting?

7 A. No, I don't think we talked about
8 documents. We just talked about general
9 recollection.

10 Q. Were any documents shared during
11 the in-person meeting or Zoom meeting?

12 A. I didn't share anything. They
13 didn't share anything with me.

14 Q. Did anyone share a document?

15 A. I'm sorry. Which meeting?

16 Q. During any of the meetings, did
17 anyone share a document?

18 A. There may have been documents
19 shared during the Zoom call in terms of
20 sharing and screen sharing.

21 Q. Who was on that Zoom call?

22 A. The attorneys, myself, Ron, maybe

1 Ed. I'm trying to recall.

2 Q. Do you recall what documents were
3 shared?

4 A. No.

5 Q. Do you recall who shared the
6 documents?

7 A. Yeah, that's a tough one for me
8 to recall that.

9 Q. Do you remember the type of
10 documents that were shared?

11 A. No.

12 Q. Was there ever a timeline shared?

13 A. No. No, I don't -- no, there was
14 no timeline shared.

15 Q. Was there ever a declaration
16 shared?

17 A. No. As I mentioned earlier, I
18 haven't seen their declarations.

19 Q. Would the documents shared at all
20 have been from documents you collected?

21 A. I don't recall.

22 Q. Do you recall the time period

1 during which those documents were created?

2 A. Which documents?

3 Q. The documents shared during the
4 Zoom call.

5 A. No, I don't recall.

6 Q. Why were those documents shared?

7 A. I don't recall.

8 Q. Do you remember what was going on
9 in the meeting when they were shared?

10 A. A lot of discussion around the
11 devices and the problems they were
12 encountering to bring those devices up,
13 dead ones, at least. The attorneys had
14 talked us -- they were talking about it.
15 That's what I recall.

16 Q. Did the attorneys say anything
17 during your meetings with Mr. Cassar and
18 Mr. Becze?

19 A. With respect to?

20 Q. Anything.

21 A. They talked about the timeline.

22 Q. And what did they say about the

1 timeline?

2 A. Yeah, at this point, I can't
3 recall.

4 Q. Do you recall anything that they
5 said?

6 ATTORNEY PICKENS: Can you
7 rephrase -- can you restate the
8 question? Are you asking what the
9 attorneys said?

10 ATTORNEY VALENTE: Yes.

11 ATTORNEY PICKENS: I instruct the
12 witness not to answer what his
13 attorneys told him during a call with
14 his attorneys -- counsel.

15 ATTORNEY VALENTE: He's not at
16 all talking to other fact witnesses.

17 ATTORNEY PICKENS: You're asking
18 him what an attorney conveyed to him on
19 that call. Is it your position that --
20 either way, I instruct the witness not
21 to answer.

22 To the extent you have a theory

1 under which a call with multiple
2 witnesses, all of whom are represented
3 by the same attorney, renders what the
4 attorney said on that call
5 non-privileged, I'm happy to hear it in
6 correspondence.

7 But he's not going to answer
8 questions regarding what an attorney
9 told him on a call where everyone was
10 represented by those counsel
11 [indiscernible].

12 (Stenographer requests
13 clarification and colloquy will
14 not be captured on the written
15 record.)

16 ATTORNEY PICKENS: -- where all
17 of the people on that call were
18 represented by that same attorney.

19 ATTORNEY VALENTE: Are all three
20 fact witnesses represented by
21 Carmichael?

22 ATTORNEY PICKENS: You're welcome

1 to ask them in their subsequent
2 depositions. That's my understanding.

3 ATTORNEY VALENTE: Okay. If
4 you're claiming privilege over that, I
5 just want to make sure that we have a
6 mutual understanding of the facts.

7 ATTORNEY PICKENS: Certainly. My
8 understanding is that all three fact
9 witnesses are represented by counsel
10 for Respondent in this matter.

11 BY ATTORNEY VALENTE:

12 Q. If your attorney did not instruct
13 you not to answer my question, would you
14 have been able to provide a response?

15 ATTORNEY PICKENS: You can answer
16 that question.

17 THE WITNESS: What was the
18 question?

19 BY ATTORNEY VALENTE:

20 Q. What the attorneys said while you
21 were on Zoom calls with Mr. Cassar and
22 Mr. Becze.

1 ATTORNEY PICKENS: That's a
2 yes-or-no question.

3 THE WITNESS: Yes.

4 BY ATTORNEY VALENTE:

5 Q. Did anyone provide you facts that
6 you relied upon in your declaration?

7 A. No.

8 Q. Did anyone refresh your
9 recollection with the documents when you
10 were preparing your declaration?

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: I've had -- from
14 the documents that I provided, the
15 documents were triggered for my
16 recollection -- they refreshed my
17 recollection. But they reinforced what
18 I knew at the time of EV1, EV2.

19 BY ATTORNEY VALENTE:

20 Q. Just to clarify, did any
21 documents refresh your recollection about
22 the subject matter in your declaration?

1 A. Yes, it did refresh my memory.

2 Q. Which documents were those?

3 A. The Tiger team summary. Sorry.

4 The results from the 2008.

5 Q. Exhibit 2008?

6 A. Yes.

7 Q. Did any other documents refresh
8 your recollection?

9 A. I have a loose recollection for
10 the documents, very rough approximation for
11 the time. This occurred 15 years ago. The
12 order of events was very clear in my mind.
13 The documents helped me center on timing
14 but not content or activity.

15 Q. And the documents that you
16 collected for this proceeding, did you
17 identify Exhibit 2008 yourself?

18 A. Yes.

19 Q. Are you paying for an attorney to
20 represent you in this proceeding?

21 A. No.

22 Q. Do you know who's paying your

1 attorney?

2 A. I believe it's Multifold.

3 Q. Were you represented by counsel
4 at the time that you had your in-person and
5 Zoom meetings with Mr. Cassar and
6 Mr. Becze?

7 A. I'm sorry?

8 Q. At the time you had your
9 in-person and Zoom meetings with Mr. Cassar
10 and Mr. Becze, were you represented by
11 counsel?

12 A. Yes.

13 Q. How did you initially get
14 involved with Flextronics?

15 A. I applied for a job for a UI
16 designer.

17 Q. Where did you find the job
18 listing?

19 A. Craigslist.

20 Q. Was Flextronics looking for help
21 on notebook innovations?

22 A. Yes.

1 Q. What does "notebook innovations"
2 mean?

3 A. From my understanding, to
4 innovate is to create new ideas. Notebooks
5 are the computing devices, so to create new
6 ideas for computing devices.

7 Q. Did Flextronics have specific
8 ideas about what they wanted to create when
9 you joined?

10 A. Not that I was aware of.

11 Q. So when you started, what kind of
12 innovations was Flextronics looking to
13 create?

14 A. So when I started, there were two
15 parts of the job. One was to be a user
16 interface designer for factory and test
17 automation software, and the second part
18 was to perform -- or produce innovative
19 things, ideas for notebooks. So can you
20 specify the question ?

21 Q. Yeah, what kind of innovative
22 ideas for notebooks was Flextronics looking

1 to create?

2 A. I don't believe Flextronics had a
3 clear idea of what they wanted to create.
4 That's why they hired a designer like
5 myself to come in to propose some ideas, or
6 to help the team that was there embody
7 those ideas they may have had.

8 Q. How many people worked at
9 Flextronics when you joined?

10 A. I can speak for the Flextronics
11 Burlington site.

12 Q. Uh-huh.

13 A. Maybe 15.

14 Q. And what were those 15 people
15 doing when you joined?

16 A. I'm going back 15 years -- or
17 2008. I can speak to the activities that I
18 was engaged with. I don't recall what
19 everybody else was doing. I can tell you
20 what I was doing with the team that was
21 there.

22 Q. Okay.

1 A. So I was helping them design
2 factory automation test systems for BTO and
3 CTO builds, for notebooks.

4 Q. What are BTO and CTO builds?

5 A. Build-to-order,
6 configure-to-order. That was one component
7 what I was doing. So the people that I was
8 working with were software testers --
9 sorry, software designers, writers,
10 software developers and testers for that
11 factory test configuration system.

12 Q. When did the idea for the Imerj
13 project first come about?

14 A. The idea for the -- so the idea
15 for the Imerj would have been -- you'd have
16 to be very specific -- what is your
17 understanding of the Imerj project?

18 Q. Let's start with: What is your
19 understanding of the Imerj project?

20 A. So the Imerj project -- if we go
21 over to the UX overview, which is
22 Exhibit 2006. If we go to Page 5 -- 6. It

1 has -- it has a handset, which goes from
2 single screen to two screens, which can be
3 docked into a smartpad, which can also be
4 docked to a smart docker. That's part --
5 on Page 6, that's one component.

6 If we go to Exhibit 2010,
7 Page 16.

8 Q. Okay.

9 A. You can see on the right-hand
10 side -- or starting with left, you have, as
11 I mentioned earlier, single-screen device
12 that can be opened up to two-screen. It
13 can dock into a tablet, that same device,
14 and power that tablet.

15 That tablet -- sorry, that
16 device, the Imerj device could also be
17 docked into a cradle, and that cradle could
18 extend the functionality of the OS such
19 that a secondary OS runs concurrently.
20 That's in the 10-foot experience -- I'm
21 sorry -- 3-foot experience, keyboard and
22 mouse.

1 And that handset can also be
2 docked into a notebook, or the husk of a
3 notebook. There would be no computing
4 power in that notebook.

5 And the device would interact
6 with that -- would drive the display on two
7 concurrent operating systems. One was the
8 handset's operating system, and the
9 secondary operating system was the desktop
10 operating system.

11 So given that context, you can
12 ask your question, and I will answer in the
13 broader, which is what you see on Page 16,
14 and I can answer that question more clearly
15 for you.

16 Q. Thank you.

17 Let's start on Page 16 of
18 Exhibit 2010.

19 A. Yes.

20 Q. When was the idea for this, I
21 guess you call it a multidevice system,
22 built?

1 A. Can you -- sorry --

2 Q. First conceived.

3 A. Conceived. There we go.

4 Some of the notebook innovation
5 that I was bringing to Flextronics was
6 around how a notebook could display other
7 user interfaces on that notebook.

8 I would say 2008, maybe -- like,
9 without going into my documents, when those
10 documents were provided to my counsel, they
11 would have times associated with them.

12 But some of the earliest ideas
13 were around -- at least my ideas were
14 around having a secondary display,
15 alternate displays on that device. Let's
16 say late 2008, maybe early 2009 or through
17 early parts of 2009, some of those ideas
18 would have been generated. Those were
19 notebook innovations.

20 Q. Did any of the concepts we see on
21 the right side of Page 16 of Exhibit 2010
22 exist before you joined Flextronics?

1 A. Not that I was aware of, no.

2 Q. And the other page you spoke
3 about was Page 6 of Exhibit 2006. If you
4 want to go there.

5 A. Yes.

6 Q. And you said what we see here,
7 that was the notebook innovation, was going
8 from single screen to two screens, which
9 can be docked into a smartpad; is that
10 accurate?

11 A. That's correct.

12 Q. Okay. Did any of that -- strike
13 that.

14 Was any of that functionality
15 conceived before you joined Flextronics?

16 A. Not that I was aware of.

17 Q. Are you aware of a website with
18 the URL PLSTIC.com?

19 A. Yes, I am.

20 Q. Is that your website?

21 A. Yes, it is.

22 Q. Is that your company?

1 A. That's my studio, yes.

2 Q. Studio. The claims of the '494
3 patent, they don't require two separate
4 screens, right?

5 ATTORNEY PICKENS: Objection to
6 form.

7 THE WITNESS: So from my
8 understanding of the '494 patent, the
9 way that the -- and how they relate to
10 the Imerj product, the Imerj product,
11 the one that we designed, had a single
12 display when the device was closed.
13 And when it opened up, it had two
14 displays. It was able to perform one
15 to two displays, minimization and
16 maximization, something I had witnessed
17 on EV2s, EV1s.

18 Additionally, you could dock that
19 device into the smartpad, as I'm
20 pointing to 2006, into the smartpad.
21 That smartpad would, depending on the
22 orientation, would then re-render those

1 views that you had on the mobile
2 device, the smart device, and service
3 that onto the smartpad.

4 So if you had two applications up
5 that were currently running, it would
6 service two separate applications in
7 the smartpad. It was able to perform
8 all the functions.

9 BY ATTORNEY VALENTE:

10 Q. Sorry. You can finish your
11 answer.

12 You analyzed the claims in your
13 declaration, right?

14 A. I've analyzed the claims and then
15 mapped them into my understanding of the
16 designs.

17 Q. Did you understand any of the
18 claims to require more than one screen?

19 ATTORNEY PICKENS: Objection to
20 form.

21 THE WITNESS: My understanding is
22 very limited to the Imerj project. My

1 understanding is the claims protected
2 both the handset, as described here,
3 I'm pointing to this document in its
4 single screen and also its dual screen
5 mode as well as the smartpad.

6 BY ATTORNEY VALENTE:

7 Q. And can you just, for the record,
8 note what document and page you're pointing
9 to?

10 A. Yes. It's Page 6, 2006 -- sorry,
11 Document 2006 -- Exhibit 2006, Page 6.

12 Q. Did you invent minimizing an
13 application? Did you invent minimizing an
14 application?

15 A. No, I did not.

16 Q. Did you invent maximizing an
17 application?

18 A. No, I did not.

19 Q. Going back real quick to your
20 meetings with Mr. Cassar and Mr. Becze. Do
21 you remember the names of the attorneys who
22 were present at those meetings?

1 A. I believe Steve McBride and
2 Mr. Carmichael himself -- or at least one
3 or the other in those meetings at a
4 minimum, and there may have been additional
5 names which I can't recall.

6 Q. Did you understand all those
7 attorneys to be your attorneys?

8 A. Yes.

9 ATTORNEY PICKENS: Counsel, we've
10 got to be close to an hour, but I'm
11 happy -- take as much time as you want.

12 ATTORNEY VALENTE: No, I think
13 now is a good time to take a break.
14 Might be coming to a close here.

15 (Whereupon, a recess was taken at
16 1:50 p.m.)

17 BY ATTORNEY VALENTE:

18 Q. Welcome back.

19 A. Thanks.

20 Q. So before we broke, you were
21 talking about Exhibit 2006, Page 6?

22 A. Yes.

1 Q. The smartpad style device here
2 that has just one physical screen, how
3 would you determine if there's more than
4 one display on that screen?

5 A. So there's a mode in which we
6 were able to switch between only showing
7 one display or one application, I should
8 say, and then a mode to switch to being
9 able to show two applications.

10 When you're in that
11 two-application mode, we subdivided the
12 view into two different displays in order
13 to surface the same behavior that we show
14 on the device onto that display.

15 Q. Are those separate logical
16 displays?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: Yeah, I'm sorry. I
20 don't understand that specific
21 question. Maybe phrase it differently.

22 ///

1 BY ATTORNEY VALENTE:

2 Q. How did the device subdivide the
3 view into two different displays?

4 A. The software created different
5 regions of the application or the display.

6 Q. Did it treat the screen as having
7 two separate display areas?

8 A. Let me see if I can find an
9 example. Give me a moment.

10 In Exhibit 2006.

11 Q. What page?

12 A. Page 21.

13 Q. Okay.

14 A. On the right image, you can see
15 that when you docked the handset and there
16 were two applications up -- two different
17 applications, B is the blue one, C is the
18 green one. They are in landscape mode.

19 Because of the device's
20 orientation, we switched the orientation
21 upon insertion. Now you can see that B is
22 the -- on the left, and C is the right.

1 And that would be the equivalent of the
2 handset in portrait dual mode. And that's
3 the equivalent here.

4 Q. Were the regions B and C
5 separately managed by the software?

6 ATTORNEY PICKENS: Objection.

7 THE WITNESS: My understanding is
8 that we were able to render the views
9 of the applications on those two -- two
10 displays similar to the way that we did
11 the handset.

12 BY ATTORNEY VALENTE:

13 Q. Is the process of displaying the
14 B and the C screens that we see here are
15 the B and the C displays on the screen, is
16 that dividing the screen into two displays?

17 A. I think this could be divided
18 into as many displays as we wanted. For
19 instance, when we pulled the enunciator
20 down, it's almost a separate display that
21 comes down. The enunciator provided
22 information to settings. So it's almost

1 like that became a third display,
2 potentially.

3 The bar that's in between the
4 two, it was visual separation that we had
5 drawn that item had treated as a separate
6 display as well.

7 Q. Is there a difference between
8 having two applications shown on one
9 display and having two displays?

10 ATTORNEY PICKENS: Objection to
11 form.

12 THE WITNESS: Can you clarify the
13 question?

14 BY ATTORNEY VALENTE:

15 Q. Could you perceive what we see on
16 the right side of Page 21 of Exhibit 2006
17 as a single display with two applications
18 shown on that one display?

19 A. Could I see two applications this
20 one displayed?

21 Q. On the device in a whole, can we
22 view that as having a single display?

1 ATTORNEY PICKENS: Objection to
2 form.

3 THE WITNESS: My understanding is
4 the way we implemented it, this --
5 there are two displays being displayed.
6 And those displays are displaying
7 applications.

8 BY ATTORNEY VALENTE:

9 Q. So what makes that two displays
10 versus two applications shown on one
11 display?

12 A. Our software based on how we
13 wanted to design it or have it rendered.

14 Q. And what in the software creates
15 that distinction?

16 A. I don't know. I can't speak to
17 the software.

18 Q. Were you involved in creating
19 that software?

20 A. In -- sorry. Was I involved in
21 creating that software? Can we be very
22 specific here?

1 Q. The software that creates the two
2 displays.

3 A. I was involved with creating the
4 specifications for the design, meaning the
5 user interface design.

6 Q. You were not involved with
7 implementing those designs in software?

8 A. No.

9 ATTORNEY VALENTE: Okay. That's
10 all the questions I have for today.

11 But, Counsel, we do want to note
12 that Mr. Sirpal said that he produced
13 thousands of documents to counsel, and
14 those weren't provided to us. We got
15 some in excerpted form such as the
16 Exhibits 2022 and 2023.

17 I think that those should have
18 been provided to us before this
19 deposition. We can obviously talk
20 about this offline after the
21 deposition, but I just wanted to make a
22 formal request on the record for those

1 documents in this proceeding.

2 ATTORNEY PICKENS: Noted. And
3 we'll happily follow up with you
4 following this proceeding.

5 ATTORNEY VALENTE: Okay.

6 ATTORNEY PICKENS: And I have no
7 questions for the witness either.

8 ATTORNEY VALENTE: Thank you very
9 much for your time.

10 (Time noted: 2:13 p.m.)

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1 REPORTER CERTIFICATE

2 I, Jessica R. Waack, the undersigned, do
3 hereby certify:

4
5 That SANJIV SIRPAL, the witness whose
6 deposition is hereinbefore set forth, was
7 duly sworn by me before the commencement of
8 such deposition, and that such deposition was
9 taken before me and is a true record of the
10 testimony given by such witness.

11
12 I further certify that the adverse party,
13 MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD,
14 was represented by counsel at the deposition.

15
16 I further certify that the deposition of
17 SANJIV SIRPAL, occurred at the offices of
18 Kasowitz LLP Paramount Plaza, 1633 Broadway
19 New York, New York 10019 on Monday, November
20 10, 2025, commencing at 9:05 a.m. and concluding
21 at 2:13 p.m.

22

1 I further certify that I am not related to
2 any of the parties to this action by blood or
3 marriage, I am not employed by or an attorney
4 to any of the parties to this action, and that
5 I am in no way interested, financially or
6 otherwise, in the outcome of this matter.

7 IN WITNESS WHEREOF, I have hereunto set
8 my hand this 12th day of November, 2025.

9 Signature: __Requested__ Waived_X_Not Requested

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JESSICA R. WAACK
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