

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 RONALD CASSAR

14
15 TAKEN ON

16 FRIDAY, NOVEMBER 21, 2025

17
18 CERTIFIED STENOGRAPHER:

19 JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,
20 CCR-NJ (NO. 30XI008238700) CSR-TX (NO. 11958)
21 CCR-WA (NO. 21007264), CSR-CA (NO. 14420),
22 REALTIME SYSTEMS ADMINISTRATOR
JOB NO.: 607180

1 EXAMINATION of RONALD CASSAR, 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 Friday, November 21, 2025, commencing
19 at 9:11 a.m. and concluding at 3:50 p.m.

20
21
22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER GOOGLE:

PAUL HASTINGS LLP

BY: DANIEL ZEILBERGER, ESQ.

BY: DAVID VALENTE, ESQ.

2050 M Street NW

Washington, D.C. 20036

PHONE: 202-551-1993

Danielzeilberger@paulhastings.com

Davidvalente@paulhastings.com

REMOTELY ON BEHALF OF THE PETITIONER

MOTOROLA MOBILITY:

ORRICK, HERRINGTON & SUTCLIFFE LLP

BY: T. VANN PEARCE, ESQ.

2100 Pennsylvania Avenue NW

Washington, D.C. 20037

PHONE: 202-339-8696

EMAIL: Vpearce@orrick.com

1 A P P E A R A N C E S

2

3 ON BEHALF OF THE PATENT OWNER:

4 KASOWITZ LLP

5 BY: ROBERT S. PICKENS, ESQ.

6 1633 Broadway

7 New York, New York 10019

8 PHONE: 212-506-1718

9 EMAIL: Rpickens@kasowitz.com

10

11

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

17

18 --o0o--

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

INDEX TO EXAMINATION

WITNESS: RONALD CASSAR

EXAMINATION

PAGE

BY ATTORNEY ZEILBERGER	9
BY ATTORNEY PICKENS	260
BY ATTORNEY ZEILBERGER	267

INDEXED PAGES

PAGE

STENOGRAPHER'S NOTE	4
RONALD CASSAR, sworn	9
REPORTER CERTIFICATE	270
DECLARATION UNDER PENALTY OF PERJURY	272
WITNESS ERRATA	273

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

INFORMATION REQUESTED

None

WITNESS INSTRUCTED NOT TO ANSWER

Page	Line
239	1

1	INDEX TO PREVIOUSLY MARKED EXHIBITS		
2	WITNESS: RONALD CASSAR		
3	Friday, November 21, 2025		
4	MARKED	DESCRIPTION	PAGE
5	Exhibit 1017	Printout from	251
6		Pegmatis's website	
7	Exhibit 1018	Printout from	251
8		Pegmatis's website	
9	Exhibit 2002	Mr. Cassar's	45
10		declaration	
11	Exhibit 2006	Presentation	129
12	Exhibit 2007	Presentation	145
13	Exhibit 2008	Not clearly identified	223
14	Exhibit 2014	Photograph	173
15	Exhibit 2015	Photograph	174
16	Exhibit 2016	Photograph	174
17	Exhibit 2031	Email	119
18	Exhibit 2033	Not clearly identified	117
19	Exhibit 2034	Not clearly identified	233
20	Exhibit 2035	Not clearly identified	223
21	Exhibit 2036	Not clearly identified	221
22	Exhibit 2037	Not clearly identified	221

INDEX TO PREVIOUSLY MARKED EXHIBITS

WITNESS: RONALD CASSAR

Friday, November 21, 2025

MARKED	DESCRIPTION	PAGE
Exhibit 2040	Not clearly identified	217
Exhibit 2041	Not clearly identified	217
Exhibit 2062	Not clearly defined	206
Exhibit 2069	Not clearly identified	240

** Only Exhibits 1017 and 1018 were
included in the transcript **

--o0o--

1 *****

2 PROCEEDINGS

3 November 21, 2025, 9:11 a.m.

4 New York, New York

5 *****

6 RONALD CASSAR, 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 ZEILBERGER:

13 Q. Good morning, Mr. Cassar.

14 A. Good morning.

15 Q. How are you?

16 A. I'm well.

17 You?

18 Q. Going well. Thank you.

19 Have you been deposed before?

20 A. No, I have not.

21 Q. Okay. So let me start by going
22 over some ground rules. You might have

1 heard this already from your attorney, but
2 just to make sure we have a smooth a day
3 today as we can.

4 You understand there's a court
5 reporter today who is transcribing the
6 words that I say, the words that you say,
7 the words that your attorney says?

8 A. I do.

9 Q. Because she can only take down
10 what any person is saying at a time, let's
11 try our best. I'll try myself not to talk
12 over each other. When I'm talking, let me
13 finish. When you're talking, I'll let you
14 finish.

15 Is that fair?

16 A. It is. I'll do my best.

17 Q. I try to make sure that my
18 questions are logical and they make sense,
19 but if at any point today one of my
20 questions doesn't make sense to you or you
21 need clarification, please just let me
22 know.

1 Otherwise I'm going to assume
2 that you understood; is that fair?

3 A. Yes.

4 Q. Do you understand that you're
5 under oath today?

6 A. I do.

7 Q. Is there any reason that you
8 cannot testify completely, truthfully and
9 accurately today?

10 A. No.

11 Q. What's your current job?

12 A. I run my own company. It's a
13 hardware and software product development
14 company. I'm currently COO, CFO and I run
15 on the software side of the company.

16 Q. And what's the name of that
17 company?

18 A. Pegmatis Inc.

19 Q. How many people work for Pegmatis
20 Inc.?

21 A. Currently 20.

22 Q. And how long have you been --

1 well, how long have you worked at Pegmatis
2 Inc.?

3 A. Nine years.

4 Q. Just since 2016?

5 A. 2016, December I think it was
6 12th, somewhere around there.

7 Q. Okay. Why did you decide to open
8 up Pegmatis Inc.?

9 A. Oh, I worked for a lot of large
10 companies in my past career. The high-tech
11 industry is very volatile, and I wanted to
12 pursue a career where I had more control
13 over that.

14 Q. Have you been an inventor on any
15 inventions while at Pegmatis Inc.?

16 A. Have I gotten patents at Pegmatis
17 Inc.? I have been part of them. I don't
18 think that we've -- that I personally have
19 filed any patents at Pegmatis.

20 Q. Has Pegmatis --

21 A. Yes.

22 Q. -- filed for patents?

1 A. Yes. Many.

2 Q. What do you mean by "many"?

3 A. Many patents in various different
4 fields all related to technology.

5 Q. More than a hundred?

6 A. No, not more than a hundred.

7 Q. More than 50?

8 A. No. I would think it's probably
9 in the order of 20.

10 Q. Okay. I think you said that you
11 work on software --

12 A. Well, I'm more of a -- to be
13 honest, I'm more of an administrative
14 role --

15 Q. Uh-huh.

16 A. -- at this point in time. I do
17 weigh in, but I'm more focused on, like,
18 running the company.

19 Q. Sure.

20 A. Right.

21 Q. Does Pegmatis produce software?

22 A. Absolutely.

1 Q. And it's software that's sold as
2 a product?

3 A. We do products for other
4 companies typically, but we do have some of
5 our own product as well.

6 Q. Okay. Before opening Pegmatis,
7 what was your job before that?

8 A. Directly before that, I was an
9 independent consultant doing software,
10 software development.

11 Q. Uh-huh. So did you do any patent
12 work in that independent consulting role?

13 A. I don't recall.

14 Q. Is it fair to say that if you
15 did, that wasn't a significant portion of
16 what you did?

17 A. Well, I -- so there was a time
18 between my -- when we worked at
19 Flextronics, which is what is related to
20 this, we were transitioned to a joint
21 venture for a couple of the years after the
22 Flextronics. And then that was with a

1 joint venture with a Chinese company.

2 Then I went on my own for, I
3 believe, approximately two years as an
4 independent software developer, if that
5 answers your question.

6 And that was prior to opening
7 Pegmatis.

8 Q. Which Chinese company are you
9 referring to?

10 A. Hisense.

11 Q. How did you end up at
12 Flextronics?

13 A. Well, I was -- prior to
14 Flextronics, I was working at Siemens, and
15 my colleague who I worked at Siemens with,
16 Sanj Sirpal, moved to Flextronics. And he
17 suggested that I speak with Flextronics,
18 because they were doing a really -- they
19 were starting up a really interesting
20 project.

21 I was looking to move anyways,
22 and I was actually interviewing at

1 another -- at a number of companies. And I
2 decided to go with Flextronics.

3 Q. So when he told you about this
4 interesting project, did he tell you any
5 details about it?

6 A. He could not.

7 Q. So he just said, hey --

8 A. It's really interesting, really
9 interesting.

10 Q. When you spoke to -- when you
11 were interviewing for the role that you
12 ultimately had at Flextronics, did they
13 tell you anything about --

14 A. No --

15 Q. -- this real interesting project?

16 A. -- no, they didn't.

17 Q. So what drew you in?

18 A. Well, I mean, my friend Sanj,
19 colleague Sanj, who I -- we were actually
20 quite close said this is something you
21 don't want to miss. And the upper
22 management at Flextronics were calling me

1 directly at home --

2 Q. Uh-huh.

3 A. -- even over Christmastime. And
4 that drew me in. And they assured me that
5 it was a project I wouldn't want to miss.

6 Q. So you didn't even know if it
7 related to furniture or computers or mobile
8 devices? You had no idea --

9 A. No. We had no idea it was kept
10 complete -- as far as I remember, it was
11 kept completely quiet.

12 Q. Uh-huh.

13 A. Now, interestingly, I just want
14 to add, that the project that they put me
15 on wasn't immediately on the phone.

16 Q. What was the project they put you
17 on immediately?

18 A. It was some kind -- it may have
19 ended up on the phone. I'm not sure, but
20 it was like some of media -- media
21 management software. But that was a very
22 short time.

1 Q. When you went to work at
2 Flextronics, was your compensation purely
3 salary?

4 A. No, no.

5 Q. What other forms of compensation
6 did you receive?

7 A. It's a -- from what I recall, and
8 I don't clearly recall, there was a bonus
9 and there was some stock options.

10 Q. Was the bonus tied to assisting
11 or obtaining patents?

12 A. No.

13 Q. Did any of your stock options
14 with Flextronics vest?

15 A. No.

16 Q. Did you receive any bonuses from
17 Flextronics?

18 A. I honestly don't remember. I
19 think I did.

20 Q. And you know Mr. Becze?

21 I don't know if I pronounced that
22 correctly, but --

1 A. Yes, I do.

2 Q. -- you know who I'm referring to?

3 A. Yes.

4 Q. How do you pronounce his name?

5 A. Becze.

6 Q. Becze.

7 Okay. How long have you known
8 him?

9 A. He was on the -- he was on the
10 Flex Imerj project, which was 2010, so I've
11 known him since then.

12 Q. And you decided to form Pegmatis
13 with him?

14 A. But that was after -- after years
15 of working at -- at Flextronics.

16 Q. Right. I'm trying to understand,
17 and I probably wasn't articulate.

18 Did you -- when Pegmatis was
19 formed, did you both say, okay, hey, let's
20 form this together? Or was it -- you
21 formed Pegmatis and then you called him
22 over with you after the fact?

1 A. Well, it's a -- it's a
2 complicated story. I'll try and give you
3 the short version.

4 So first of all, I'll say that
5 Ed, Charles, his real name is Charles. His
6 name is Ed -- we call him Ed.

7 Ed and I work very well together.
8 We didn't have a lot to do with each other
9 at Flex, but we work very well together.

10 We got -- my software team -- so
11 I ran the software organization at
12 Flextronics. We got moved to an
13 organization called Jamdeo, which was a
14 joint venture between Flextronics and
15 Hisense. Ed stayed behind at Flextronics.

16 So the hardware guys and a few --
17 a small number of the firmware guys stayed
18 behind at Flextronics. I worked at Jamdeo
19 as head of software, and we developed smart
20 TVs in the joint venture. And at some
21 point, I stopped working at Jamdeo, and I
22 went out on my own for a couple of years.

1 And then Flextronics -- I don't
2 know what -- I don't know what transpired
3 at Flextronics. I just assume there was
4 some kind of downsizing. They wanted to
5 cost it down, I believe --

6 Q. Uh-huh.

7 A. -- and so they -- perhaps they
8 wanted to move some of them to a different
9 location, and they didn't want to. And so
10 they came free, the guys who remained at
11 Flextronics.

12 And when that happened, we
13 decided to come back together and form
14 Pegmatis.

15 Q. I see. So the original people
16 that either worked for or had an ownership
17 in Pegmatis were people that previously had
18 some affiliation with Flextronics?

19 A. Yes. Most. In fact, most still
20 do.

21 Q. Is there any business
22 relationship between Pegmatis and

1 Flextronics?

2 A. No, there is not.

3 Q. Was there ever?

4 A. No.

5 Q. Was -- do you have any knowledge
6 about whether Flextronics was upset that
7 everyone went out and went to work for or
8 formed Pegmatis?

9 A. Well, I mean, I have -- I have no
10 knowledge of them being upset. I mean --
11 no, I'll just leave it at that. I have no
12 knowledge.

13 Q. Is my understanding correct that
14 you wanted to be deposed on the same day as
15 Mr. Becze?

16 A. Yes.

17 Q. Why is that?

18 A. Because Fridays are -- is our
19 slowest day in terms of what goes on at the
20 company.

21 Q. Uh-huh.

22 A. And so we wanted to have the

1 least impact on our company. We both run
2 the company.

3 Q. Right. But I guess wouldn't you
4 want to have picked different Fridays so
5 that one of you is available to help with
6 your company if something happens?

7 ATTORNEY PICKENS: Objection to
8 form.

9 THE WITNESS: No. We're --

10 ATTORNEY PICKENS: Go ahead. You
11 can answer.

12 THE WITNESS: Sorry. No. I
13 mean, as I said, Fridays is our slow
14 day. We have a very senior team.

15 BY ATTORNEY ZEILBERGER:

16 Q. Uh-huh.

17 A. And it can -- it can go itself
18 without us for a day.

19 Q. No, I understand that. I'm just
20 trying to understand why you didn't want,
21 for example, yourself to be deposed last
22 Friday and Mr. Becze to be deposed today?

1 A. Well, there were other -- there
2 were other things going on in the company
3 that gave us a very tight window, I'll say,
4 and I don't think I need to get into
5 details of what's going on in our company.

6 But we had a small window where
7 this week was the week when we could do it.
8 We've been traveling as well.

9 Q. For work?

10 A. Yes.

11 Q. For Pegmatis?

12 A. Yes.

13 Q. Are you being -- well, let me
14 rephrase that.

15 Have you been or are you being
16 compensated in any way for your time
17 associated with this proceeding?

18 A. Yes.

19 Q. What is the form of that
20 compensation?

21 A. We're getting paid an hourly
22 rate.

1 Q. And what is that hourly rate?

2 A. 500 U.S. an hour.

3 Q. And when you said "we," are you
4 saying that you get \$500 an hour --

5 A. Yes.

6 Q. -- for your time --

7 A. Yes.

8 Q. -- and Mr. Becze gets 500 an
9 hour --

10 A. Yes.

11 Q. -- for his time?

12 A. Yes.

13 THE STENOGRAPHER: Please wait
14 for the full question.

15 THE WITNESS: I beg your pardon?

16 THE STENOGRAPHER: Please wait
17 for the full question.

18 THE WITNESS: Okay.

19 BY ATTORNEY ZEILBERGER:

20 Q. And so you were paid \$500 an hour
21 for your work on your declaration?

22 A. No. On this being the

1 declaration? Or this? The declaration is
2 this, right?

3 Q. Right.

4 A. No --

5 Q. The declaration --

6 A. -- we weren't paid that. We were
7 not.

8 Q. So you weren't paid anything for
9 your declaration?

10 A. No. We were paid some, but not
11 that.

12 Q. What were you paid?

13 A. I think we were paid, if I recall
14 correctly, 200 an hour.

15 Q. And how many hours did you spend
16 on it?

17 A. I don't recall. It was probably
18 40 hours myself. I don't have -- know how
19 many hours Ed did.

20 Q. And so when you refer to the \$500
21 an hour, you're talking about your time for
22 the deposition?

1 A. Yes.

2 Q. Did you spend any time preparing
3 for today's deposition?

4 A. Yes.

5 Q. How many hours?

6 A. I haven't -- I haven't
7 accumulated it. I don't know. I'm going
8 to guess probably 16 hours.

9 Q. And for that time, are you
10 getting paid the \$200 an hour or the \$500
11 an hour?

12 A. 500. I mean -- well...

13 Q. Why did your rate go up from 200
14 an hour to 500 an hour?

15 A. Because it's a very busy time for
16 my company. And you have to consider that
17 you're taking the two senior guys from the
18 company and using their time for a week,
19 which is difficult.

20 Q. When did you first learn about
21 this dispute?

22 A. I don't remember the exact date.

1 Q. How did you come to learn about
2 the dispute?

3 A. I don't remember whether it
4 was -- I don't remember, but it was either
5 Sanj told us and asked for help, or
6 Carmichael contacted us. I don't remember.
7 It was one of those two. Carmichael was a
8 law firm that did our declarations with us.

9 Q. And when you say "Sanj," are you
10 referring to Mr. Sirpal --

11 A. Sanj Sirpal. That's correct.
12 Should I refer to him as Mr. Sirpal?

13 Q. However you like to --

14 A. Yes.

15 Q. -- is fine. I just want to make
16 sure that somebody who is reading the
17 transcript will know that when you say
18 Sanj, that's who --

19 A. Yeah --

20 Q. -- you're talking about.

21 A. -- Sanj.

22 THE STENOGRAPHER: Please just

1 wait for the full question.

2 BY ATTORNEY ZEILBERGER:

3 Q. The money that you're being paid
4 for this proceeding, is that going to you
5 or is that going to your company?

6 A. My company.

7 Q. You understand that there is an
8 underlying patent at issue in this
9 proceeding; is that right?

10 A. Yes, I do.

11 Q. Were you aware of that patent
12 before getting involved in this proceeding?

13 A. I was aware of it, yes.

14 Q. And how did you become aware of
15 it?

16 A. Because I was on the project.

17 Q. So you were cognizant of patent
18 applications getting filed and patents
19 issuing when you were part of the project?

20 A. Yes.

21 Q. Was that one of your
22 responsibilities?

1 A. To...

2 Q. Be involved in patent application
3 filings.

4 A. Yes.

5 Q. What portion of your
6 responsibilities was that?

7 A. Well, I worked on the project.
8 And some of the work that I did generated
9 IP, and I often had to sit with lawyers and
10 author the patents with them and review
11 many patents.

12 Q. Roughly what percentage of your
13 time was spent on those types of IP-related
14 tasks when you were at Flextronics?

15 A. I don't remember that. It
16 wasn't -- it wasn't the bulk of my work.

17 Q. Do you have any interest in the
18 company Multifold?

19 A. I have no interest in Multifold.

20 Q. Do you have any interest in
21 Google?

22 A. I have no interest in Google.

1 Q. What about Motorola Mobility?

2 A. No.

3 Q. Have you heard about Multifold
4 before getting involved in this proceeding?

5 A. Yes.

6 Q. How so?

7 A. I was asked to help with previous
8 patents, to defend previous patents where I
9 was named.

10 Q. When was that?

11 A. I think it was approximately
12 three or four years ago.

13 Q. Who asked you to help with those
14 previous patents?

15 A. I don't recall.

16 Q. Was it a law firm?

17 A. It was a law firm.

18 Q. Was it the Carmichael law firm?

19 A. I don't recall.

20 Q. And did you help --

21 A. No.

22 Q. -- when you were contacted those

1 three or four years ago?

2 A. No.

3 Q. Why not?

4 A. I was advised by my legal counsel
5 not to.

6 Q. Why did you decide to get
7 involved this time, then?

8 A. Because initially it was a -- I
9 guess a task that we thought would be
10 contained.

11 Q. What do you mean by "contained"?

12 A. Well, a small task.

13 Q. And when you were contacted three
14 or four years ago, it seemed like it would
15 have been a big task?

16 A. Much bigger, much more involved,
17 much more liability. It was a liability
18 issue that I was warned against in the
19 previous one.

20 Q. What were you asked to do when
21 you were contacted three or four years ago?

22 A. To defend a patent that I was

1 named in.

2 Q. Which patent?

3 A. I don't remember.

4 Q. And when you say you were asked
5 to "defend a patent," what do you mean by
6 that?

7 A. I was an inventor, one of the
8 inventors in the patent.

9 Q. Uh-huh.

10 A. And I guess we would have gone
11 through a similar process as this.

12 Q. So why does -- if you see it as a
13 similar process, how come then it felt like
14 a big task and now it feels like a smaller
15 task?

16 ATTORNEY PICKENS: I'll just
17 caution the witness to the extent --
18 you can answer the question. But to
19 the extent you spoke with other
20 counsel, prior counsel regarding any of
21 this, do not disclose the subject
22 matter of any communications you would

1 have had with your counsel.

2 But you can answer the question
3 without talking about what you spoke
4 with counsel about.

5 THE WITNESS: As I said, this
6 seemed like a quicker, smaller job, and
7 it just turned into a slippery slope,
8 if you will.

9 BY ATTORNEY ZEILBERGER:

10 Q. Oh, I see. So you thought it was
11 gonna be a small project, but today you
12 don't feel like this is a small project?

13 A. Well, this was more than I had
14 hoped for initially.

15 Q. Got it.

16 Do you draw a salary from
17 Pegmatis?

18 A. I do.

19 Q. What is that salary?

20 THE WITNESS: Do I need to answer
21 this?

22 ATTORNEY PICKENS: I'm going to

1 ask that the transcript be sealed
2 pursuant to the relevant rules and
3 before the PTAB, seal the transcript.

4 Mr. Cassar, you can answer
5 generally, you don't have to put it in
6 exact figures, but you can give a
7 ballpark range.

8 THE WITNESS: Okay. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 BY ATTORNEY ZEILBERGER:

12 Q. What did you do to prepare for
13 today's deposition?

14 A. I read my declaration several
15 times and the exhibits.

16 Q. Did you talk with anybody to
17 prepare for today's deposition?

18 ATTORNEY PICKENS: Just caution
19 the witness you can answer the question
20 yes or no, but you're not to reveal the
21 substance of any conversations you may
22 have had with your counsel.

1 THE WITNESS: Okay. Yes, I did.

2 BY ATTORNEY ZEILBERGER:

3 Q. Who did you speak to?

4 A. Robert.

5 Q. And when you say "Robert," you
6 mean --

7 A. Pickens.

8 Q. Sorry?

9 A. Mr. Pickens.

10 Q. Anyone else?

11 A. Amanda was -- Amanda, I don't
12 know her last name, but she was present in
13 the room.

14 ATTORNEY PICKENS: I'll represent
15 the witness is referring to Amanda
16 Sewanan of Kasowitz, LLP.

17 BY ATTORNEY ZEILBERGER:

18 Q. Do you consider Kasowitz LLP to
19 be your attorneys?

20 A. I do.

21 Q. How long have they been your
22 attorneys for?

1 A. I guess a couple weeks since
2 we've been reading the -- reviewing my
3 declaration.

4 Q. Are the attorneys with the
5 Carmichael law firm your attorneys?

6 A. To be honest, I believe they
7 were. I don't know if they still are. I
8 -- you know, honestly I don't know how all
9 this stuff works with attorneys and when
10 someone is an attorney.

11 But I imagine that at the time
12 when we were writing the declaration, they
13 were.

14 Q. Have you retained any of them to
15 be your attorneys?

16 A. I have not.

17 ATTORNEY PICKENS: I'm going to
18 object to form to the extent you're
19 asking -- the witness is represented.
20 He doesn't have a good understanding of
21 the legal concepts you're referencing.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Are you paying either the
3 Kasowitz law firm or the Carmichael law
4 firm?

5 A. I am not.

6 Q. Do you know if anybody is paying
7 them for their time representing you?

8 A. I have no idea.

9 Q. Do you understand that the
10 Kasowitz law firm and the Carmichael law
11 firm are Multifold's attorneys?

12 A. I do.

13 Q. Why did you feel you needed to be
14 retained by the same attorneys as the
15 Multifold company?

16 ATTORNEY PICKENS: Objection to
17 form.

18 THE WITNESS: I didn't feel I
19 needed to be retained by them, but they
20 were involved.

21 BY ATTORNEY ZEILBERGER:

22 Q. I understand they were involved.

1 But you told me earlier -- well, I'll ask
2 it again. Maybe I misunderstood.

3 I understand that Kasowitz has
4 lawyers and the Carmichael firm has
5 lawyers --

6 A. Yes.

7 Q. -- I'm asking, are they your
8 lawyers?

9 A. I believe they are, yes. And for
10 this piece, for what we're doing today,
11 yes.

12 Q. What is the basis for that
13 belief?

14 ATTORNEY PICKENS: I mean, I'm
15 going to instruct the witness to the
16 extent you know the basis for that
17 belief without -- without referencing
18 your direct conversations with counsel,
19 you can answer.

20 If you don't know the basis for
21 your understanding that Kasowitz
22 represents you other than your

1 conversation with me, I instruct the
2 witness not to answer.

3 THE WITNESS: Okay. I'm not
4 going to answer.

5 ATTORNEY PICKENS: And, Counsel,
6 if you're going to try to continue to
7 confuse the witness as to his stance as
8 to representation, I will reserve the
9 right to take a break from this
10 deposition and have a discussion with
11 him regarding the basis for privilege,
12 which is expressly permitted under the
13 Federal Rules.

14 I encourage you to move on.

15 ATTORNEY ZEILBERGER: I'm not
16 trying to confuse the witness, Counsel.
17 But let's move on.

18 BY ATTORNEY ZEILBERGER:

19 Q. Mr. Cassar, do you consider
20 yourself to be a third party to this
21 proceeding?

22 A. I don't know what your definition

1 of a third party is, but all I'm here to do
2 is help resolve this issue.

3 Q. Did you speak with Mr. Becze to
4 help prepare for today's deposition?

5 A. I did not.

6 Q. You've certainly spoken to him,
7 though?

8 A. Obviously, yes.

9 Q. Have you spoken about this
10 proceeding?

11 A. No.

12 Q. Have you ever spoken to him about
13 this proceeding?

14 A. No. With the exception of, hey,
15 we're gonna be here on this date, kind of
16 thing. But that's it.

17 Q. So you didn't talk to him about
18 the compensation that you would receive for
19 this proceeding, for your time for this
20 proceeding?

21 A. Actually, he set the compensation
22 level.

1 Q. And you didn't talk to him about
2 it?

3 A. Well, he -- no, not really.

4 Q. What do you mean by "not really"?

5 A. He said, that's what we're
6 charging for this, because we're being, you
7 know, occupied. And that's it. So I
8 suppose he talked to me about it, and I
9 said yes. I mean...

10 Q. How did you even know what he was
11 talking about if you didn't communicate to
12 each other about the proceeding?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: Well, I mean,
16 obviously we arranged the date that
17 we're flying down here. I mean,
18 otherwise we wouldn't have ended up on
19 the same day.

20 BY ATTORNEY ZEILBERGER:

21 Q. Okay. So you talked to him about
22 scheduling of the deposition?

1 A. Yes.

2 Q. Besides scheduling and
3 compensation, is there anything else you
4 talked to him about?

5 A. No. Maybe the hotel we stayed
6 in. Maybe the flight we were taking. I
7 booked the flights, if that's relevant.

8 Q. Did you fly together?

9 A. Yes, we did.

10 Q. Why didn't you feel like you
11 should talk to him before today's
12 deposition?

13 ATTORNEY PICKENS: I caution the
14 witness not to reveal the substance of
15 any attorney-client communications.

16 To the extent you can answer that
17 question without doing so, you're
18 welcome to do so.

19 THE WITNESS: Because I know
20 you're not supposed to talk about
21 depositions.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Besides your declaration and the
3 exhibits that are cited in your
4 declaration, is there anything else you
5 reviewed to prepare for today's deposition?

6 A. No.

7 Q. Besides Mr. Pickens and
8 Ms. Sewanan, is there anyone else you met
9 with to prepare for today's deposition?

10 A. No.

11 Q. I believe you said you have a
12 copy of your declaration with you today?

13 A. Yes, I do.

14 Q. Do you have it open?

15 A. Yes, I do.

16 Q. And you can use that copy, but
17 just to confirm, are there any markings or
18 notes or anything else on that copy that
19 you have?

20 A. No, there are not. Not that I've
21 made.

22 Q. That anybody made?

1 A. No, no.

2 ATTORNEY PICKENS: Counsel, I'll
3 just represent for the record that
4 you're welcome to look through the
5 version he has on a break.

6 BY ATTORNEY ZEILBERGER:

7 Q. And that's a 37-page document?

8 A. 1 of 37, yeah.

9 Q. Okay.

10 (Whereupon, Previously Marked
11 Exhibit 2002 is identified for
12 the record.)

13 THE WITNESS: Last page has my
14 signature.

15 BY ATTORNEY ZEILBERGER:

16 Q. And when did you start working on
17 this declaration?

18 A. Well, approximately a week before
19 the 27th, because that's when I worked on
20 it, the week before I signed it.

21 Q. So did you type up this
22 declaration yourself?

1 A. I did not.

2 Q. When did you first see a draft of
3 your declaration?

4 A. It would have been within that
5 week of the 27th day of February 2025.

6 Q. Was it a week before the 27th?
7 Like, was it the first day that you started
8 working on it you saw the draft, or was it
9 a few days after that?

10 A. Well, obviously it wasn't the
11 first day. We had to -- I had to do an
12 overview of what transpired in the project.

13 Q. Who did you give that overview
14 to?

15 ATTORNEY PICKENS: I caution the
16 witness not to reveal privileged
17 communications with attorneys from the
18 Carmichael law firm, but you can
19 describe the process and how the
20 declaration came to be.

21 THE WITNESS: That wasn't the
22 question, though.

1 What was -- can you repeat the
2 question, please?

3 ATTORNEY PICKENS: I'm sorry. I
4 didn't mean...

5 BY ATTORNEY ZEILBERGER:

6 Q. Who did you give that overview
7 to? Who? The names.

8 ATTORNEY PICKENS: You can answer
9 that question.

10 THE WITNESS: I actually don't
11 remember the names of the people from
12 Carmichael, but they were Carmichael
13 people.

14 BY ATTORNEY ZEILBERGER:

15 Q. And it was only Carmichael people
16 that you gave the overview to?

17 A. Yes.

18 Q. And I noticed you signed the
19 declaration while you were in South
20 Carolina; is that right?

21 A. That's right.

22 Q. What were you there for? Or what

1 were you doing in South Carolina?

2 A. Yes. I was there for vacation.

3 Q. Okay. So you worked on this
4 declaration while you were on vacation --

5 A. On my vacation, that's right.

6 Q. And how much time did you spend
7 on the declaration?

8 A. It was approximately -- it was
9 approximately a week. I don't remember
10 exactly, but it was less than a week. I
11 was -- I was just, you know, going
12 through -- I initially told the story -- I
13 actually have to add that it was some time
14 spent prior to this week talking with
15 Carmichael.

16 That's where the high-level
17 description of the -- of my involvement
18 with the project -- or some of it was --
19 was provided. Then more detail during the
20 week in South Carolina.

21 And at some point they penned
22 this for me, and we began iterating through

1 and reviewing it, because I wanted to make
2 sure it was accurate.

3 Q. Are you aware that Mr. Sirpal
4 also submitted a declaration in this
5 proceeding?

6 A. I have no idea what Mr. Sirpal
7 did. I know he was doing something, but I
8 have no idea what he was doing. And he --

9 Q. You are aware that Mr. Becze has
10 submitted a declaration --

11 A. Yes --

12 Q. -- in this proceeding?

13 A. -- yes, I am.

14 Q. Now, I asked you some questions
15 earlier about the deposition. I'm shifting
16 focus now to the declaration.

17 Before signing your declaration,
18 did you discuss this case with Mr. Sirpal?

19 A. No, no. Absolutely not.

20 Q. Before signing your declaration,
21 did you discuss this case with Mr. Becze?

22 A. No. Did I -- could you be a

1 little more specific?

2 Because I know in previous
3 questions -- I mean, he knew. Mr. Becze
4 knew I was doing a declaration. That's it.
5 No details of it.

6 Similarly, I knew he was doing a
7 declaration. I don't know details of what
8 he said.

9 Q. Before submitting your
10 declaration -- strike that.

11 Before signing your declaration
12 in this proceeding, you never had a meeting
13 in which Mr. Sirpal or Mr. Becze was
14 present where substance relating to what
15 you're testifying about was discussed?

16 ATTORNEY PICKENS: Objection to
17 form.

18 THE WITNESS: With regard to my
19 declaration, there was no discussion.
20 I have never had a conversation with
21 anybody with regards to the content of
22 my declaration outside of my legal

1 counsel.

2 BY ATTORNEY ZEILBERGER:

3 Q. Within the last year, have you
4 had any meeting with Mr. Sirpal or where
5 Mr. Sirpal was otherwise present relating
6 to the '494 patent or the Imerj?

7 ATTORNEY PICKENS: Object to
8 form.

9 THE WITNESS: There was no
10 meeting ever regarding the patent.
11 Sanj did come to our office because we
12 had some phones, and he wanted to pick
13 up his phones. We had some of his
14 phones. And he came and picked up his
15 phones, and that was it.

16 BY ATTORNEY ZEILBERGER:

17 Q. So when Mr. Sirpal went to your
18 office, you didn't speak to him?

19 A. Of course I spoke to him. He was
20 a -- he's a long-time colleague.

21 But I did not speak to him about
22 my declaration or anything that he was

1 involved with other than determining which
2 phones were his and handing them back to
3 him.

4 Q. Within the last year, have you
5 had any Zoom meetings with Mr. Sirpal?

6 A. Within the last year.

7 We -- with -- I believe we had
8 some Zoom meetings with Carmichael prior
9 to, but this was -- that was all prior to
10 anything to do with my work on my
11 declaration.

12 Q. What -- when you say it was
13 "prior to anything to do with my work on my
14 declaration," what do you mean?

15 A. We were -- okay. The original
16 reason why we got involved with this is
17 because we were asked to get some dates off
18 phones, and -- which we did. We got dates
19 of firmware off phones.

20 But at that point, that was the
21 extent of our involvement with this whole
22 process. We were not involved in creating

1 declarations.

2 Q. When you say "dates off of
3 phones," what do you mean?

4 A. Dates of firmware.

5 Q. And so these Zoom meetings that
6 you're referring to related to getting or
7 discussing the dates on the firmware of
8 phones?

9 A. That's right.

10 ATTORNEY PICKENS: Objection to
11 form to the prior question.

12 BY ATTORNEY ZEILBERGER:

13 Q. Was anything else discussed?

14 A. I believe -- if I'm -- my memory
15 on this is sketchy, but we did -- I do
16 recall seeing a presentation of the Tiger
17 team. That's actually part of my
18 declaration. There's one exhibit that was
19 shown.

20 Q. Do you have a -- why was that
21 exhibit shown to you?

22 A. I don't recall. It just came up

1 in the meeting, in one of the meetings. I
2 don't recall when it was shown to me at
3 that point in time.

4 Q. When was this meeting?

5 Well, I guess, let me rephrase
6 that, because I think you said "one of the
7 meetings."

8 So were there multiple meetings?

9 A. Well, there were -- there was
10 more than one meeting, because we were
11 having difficulty getting -- getting the
12 dates off the phones, because the phones
13 were -- had been sitting in a closet for
14 many years. Like, I mean, you look at the
15 date. This was 2010 when those phones --
16 right?

17 Q. Uh-huh.

18 A. They were sitting. We were
19 trying to revive some of the phones, and we
20 were having difficulty bringing those
21 phones to life.

22 And so they -- you know, there

1 was conversation around how were we doing
2 with those phones. It wasn't easy.

3 Q. Uh-huh. And so one of those
4 meetings dealing with getting the dates off
5 of the phones, this one exhibit came up and
6 was presented to you?

7 A. It was -- it was there on the
8 screen, yes. Yeah, it was there.

9 Q. What do you mean by "it was
10 there"?

11 A. Well, someone -- someone brought
12 it up, and I think it was -- it may have
13 been Sanj --

14 Q. Uh-huh.

15 A. -- who brought it up. I don't
16 recall, though. Like I said, our focus was
17 getting the date off the firmware.

18 Q. I guess if the focus is on the
19 firmware, why does this kind of one random
20 presentation just pop up on Zoom?

21 ATTORNEY PICKENS: Objection to
22 form.

1 THE WITNESS: We were talking
2 about the project, I guess. I don't
3 know. I mean, it was -- that project
4 was part of our life. We all worked
5 very hard on it, and I can't recall the
6 exact reason why that one thing was
7 brought up.

8 BY ATTORNEY ZEILBERGER:

9 Q. So Mr. --

10 A. But I will say that we certainly
11 had no intention of getting involved with
12 this at that point in time.

13 Q. So Mr. Sirpal was on these Zoom
14 meetings.

15 Was Mr. Becze also --

16 A. Yes.

17 Q. -- on the Zoom meetings?

18 A. Yes. Ed was the hardware --

19 Q. Right.

20 A. -- lead, right? And so he was
21 helpful in trying to revive some of the
22 phones.

1 Q. And was Ed present when this
2 exhibit was shared?

3 A. I believe he was, but I'm not
4 100 percent positive.

5 Q. Besides this one exhibit that you
6 reference, were there any other --

7 A. No.

8 Q. -- documents shared during the
9 Zoom meetings?

10 A. No, not that I recall.

11 Q. How long before the week leading
12 up to your declaration -- are you okay?

13 A. Yes, I am. Yeah.

14 Q. How long before the week leading
15 up to your declaration were these Zoom
16 meetings?

17 A. I -- I don't -- I -- honestly, I
18 don't remember. Maybe a month. Maybe two
19 months.

20 ATTORNEY PICKENS: Counsel, I
21 don't know how much more you want to
22 ask about the current set of Zoom

1 meetings, but we've been going about an
2 hour. So whenever would be a good time
3 for a break.

4 ATTORNEY ZEILBERGER: Would you
5 like a break, Mr. Cassar?

6 THE WITNESS: Yes.

7 ATTORNEY ZEILBERGER: Sure, we
8 can take a break.

9 THE STENOGRAPHER: Off the
10 record.

11 (Whereupon, a recess was taken at
12 10:03 a.m.)

13 ATTORNEY ZEILBERGER: Back on.

14 BY ATTORNEY ZEILBERGER:

15 Q. Just to clarify one topic that we
16 covered during the last session, and I'm
17 just asking for a yes or a no answer, not
18 details.

19 Do you have a signed engagement
20 letter with either the Carmichael law firm
21 or the Kasowitz law firm?

22 A. I do not.

1 Q. So you mentioned that you
2 received a draft of your declaration after
3 having conversations prior.

4 Do you remember how many
5 iterations there were?

6 A. Not exactly. But there was at
7 least an iteration a day a week, at least.

8 Q. And was the process that you
9 would make redline revisions to the
10 declaration, or did you just comment on it?

11 A. Man, I think it was a combination
12 of both.

13 Q. And those revisions and comments
14 would have been sent to the Carmichael law
15 firm?

16 A. Yes.

17 Q. And also the Kasowitz law firm?

18 A. No.

19 Q. When did you first start working
20 with the Kasowitz law firm?

21 A. Just about a week ago. I don't
22 know. I don't remember the exact day. A

1 week ago, a couple weeks ago. Depends on
2 what you consider "working with" us.

3 I mean, we were -- there was some
4 time where we were trying to arrange a date
5 to get down here, but we were traveling so
6 there was back-and-forth, back-and-forth.

7 We were away. And, but, actually
8 working has just been, you know -- as I
9 said, just reviewed this a couple of times.
10 I don't know if you consider making travel
11 arrangements "working with."

12 Q. So I just want to make sure I
13 have the timeline correctly with respect to
14 Mr. Sirpal.

15 Is it right the first -- the
16 first in this sequence of events -- let me
17 go back -- take a step back.

18 I think you talked about an
19 instance where he went to your offices in
20 person to pick up devices, you talked about
21 these Zoom meetings and then there's the
22 time period where you worked on your

1 declaration?

2 A. Yes.

3 Q. Is that how the sequence went;
4 where he went in person, then there were
5 Zoom meetings and then you worked on your
6 declaration?

7 A. He --

8 ATTORNEY PICKENS: Objection to
9 form.

10 You can answer.

11 THE WITNESS: Sanj asked for help
12 to try and get dates off phones. He
13 came to our office and brought his
14 phones.

15 Then we had some phones also. We
16 were trying to get dates off his phones
17 and our phones, and then I think you
18 can --

19 BY ATTORNEY ZEILBERGER:

20 Q. So he left his phones with you
21 guys --

22 A. Yes --

1 Q. -- is that right?

2 A. -- yes. Because he didn't know
3 how to get the firmware dates off it.
4 That's why he had to come back and try to
5 pick them up.

6 Q. And these phones that he had were
7 Imerj prototypes?

8 A. Yes.

9 Q. And the phones that you had
10 separate from him were also Imerj
11 prototypes?

12 A. Yes.

13 Q. Why is it that you and Mr. Sirpal
14 were in possession of Imerj prototypes?
15 Why didn't those stay with Flextronics?

16 A. Because Flextronics was throwing
17 them in the garbage, and we were all very
18 proud of that phone. I can't tell you how
19 proud we were of that phone.

20 Q. Why was Flextronics throwing them
21 in the garbage?

22 A. Because they killed the project.

1 Q. Do you know why?

2 A. I don't know exactly why. I have
3 heard many stories, but I don't know
4 exactly why.

5 Q. What have you heard about why it
6 was thrown away?

7 ATTORNEY PICKENS: Objection.
8 Form.

9 THE WITNESS: I heard that Apple
10 didn't like the fact that a company
11 that was manufacturing their product
12 was going to compete with them.

13 I heard that there was a massive
14 inventory built, accumulated to go into
15 mass production, and some of the senior
16 executives at Flextronics didn't like
17 that.

18 I've heard many stories, but
19 those are -- are the main ones.

20 BY ATTORNEY ZEILBERGER:

21 Q. Did Flextronics make the decision
22 not to commercialize the Imerj before or

1 after you left Flextronics or any companies
2 that had affiliation with Flextronics?

3 A. They decided not to commercialize
4 it before I left.

5 Q. When that happened, how did you
6 come to learn that they decided not to
7 commercialize the Imerj?

8 A. We were informed by management.

9 Q. Weren't you part of management?

10 A. Well, by the C level. We were
11 informed by our bosses.

12 Q. And did you ask questions when
13 you heard about that?

14 A. Of course.

15 Q. What did you ask?

16 A. Oh, God --

17 Q. Well, I'll ask -- let me
18 rephrase --

19 A. -- 15 years ago.

20 Q. Let me rephrase.

21 In response to your questions,
22 did you learn anything?

1 A. I don't -- I don't -- honestly --
2 I mean, I told you what I know, why it
3 was -- it was shut down. I believe that
4 there is probably some truth in all of it,
5 but I cannot recall those conversations 15
6 years ago or 12 years ago.

7 All I can tell you is it was a
8 very upsetting event, because everybody was
9 very proud of that phone.

10 Q. Do you know if there were any
11 IP-related issues with releasing the Imerj?

12 A. There were no IP-related issues
13 with releasing Imerj, as far as I know. In
14 fact, I know that they intentionally bought
15 patents to trade off royalties. That was
16 one of the strategies. They were building
17 up a huge patent portfolio.

18 It's like building a photocopier.
19 You can't build a photocopier without
20 infringing on something. So there was a
21 big effort to defend against that.

22 Q. Were you involved in that effort?

1 A. No, I was not. Again, this is
2 just stuff I was hearing.

3 Q. And how soon after you learned
4 that the Imerj was not going to be
5 commercialized did you decide to leave the
6 company?

7 A. I didn't leave the company.

8 Q. What do you mean?

9 A. We got -- this is what I was
10 explaining to you. We got put into the
11 joint venture --

12 Q. Uh-huh.

13 A. -- with Hisense once Imerj was
14 disbanded.

15 Q. Oh, okay. I hadn't realized
16 that.

17 So first Imerj was disbanded and
18 then you went into this joint venture with
19 Hisense?

20 A. That's correct.

21 Q. And at the joint venture with
22 Hisense, you worked on things completely --

1 stuff that's unrelated to the Imerj; is
2 that right?

3 A. Unrelated in the sense that it
4 was a different product. But, again, it
5 was -- we had built up tremendous expertise
6 with Android because of the phone. And so
7 what we were doing was building a smart TV
8 platform for Hisense based on Android.

9 Q. I see. So you weren't working on
10 a dual screen device anymore?

11 A. No.

12 Q. You mentioned earlier today that
13 your time spent on your declaration was at
14 least roughly being compensated for \$200 an
15 hour, and your time relating to the
16 deposition is being compensated for \$500 an
17 hour.

18 Do you remember that?

19 A. Yes.

20 Q. When was your \$500 an hour
21 compensation for time relating to the
22 depositions set?

1 A. It's just the window involved
2 with this. That's the --

3 Q. Yeah, my question wasn't clear.
4 Let me -- let me be more precise.

5 Were both of those rates
6 determined at the outset, or did you
7 initially have the \$200 an hour rate --

8 A. No.

9 Q. -- and then later on you
10 increased your rate to \$500 an hour?

11 A. The \$200 an hour rate was
12 actually -- if we had understood the scope
13 of what we were gonna do, would have been
14 much higher.

15 Q. Uh-huh.

16 A. Prior to getting involved with
17 our -- creating our declarations, all we
18 thought we were gonna do is take some dates
19 off phones. And we decided to honor it.

20 Q. And so when did you increase your
21 rate to \$500 an hour?

22 A. When we were asked to come down

1 here.

2 Q. Would you have came down here if
3 the rate wasn't increased to \$500 an hour?

4 A. I'm going to say that we would
5 have been not very happy about it. This is
6 a very busy time for our company, and as I
7 explained to you earlier, we had been
8 traveling a lot. We've got a lot of
9 initiatives going on right now.

10 Q. Uh-huh.

11 A. And I don't know if we would have
12 come down, but we would have probably
13 resisted. I mean, we -- we charge out
14 our -- our single contributors at more than
15 that.

16 Q. Uh-huh.

17 A. So why would we -- why would
18 we -- the leaders of the company come down
19 for, you know, that rate?

20 Q. Is that one of the things that
21 kind of caused today's deposition to be on
22 the day it is, working out your rate?

1 ATTORNEY PICKENS: Objection to
2 form.

3 THE WITNESS: Cause the date --
4 sorry?

5 BY ATTORNEY ZEILBERGER:

6 Q. So what I mean to say is: Did --
7 could the deposition not happen earlier
8 because you were working out what rate
9 you'll be paid for the deposition?

10 A. No. No. Just so it's clear, we
11 were on the other side of the planet just a
12 couple of weeks ago. And I keep telling
13 you that we -- we're very busy right now.

14 Q. Okay. And I don't think I've
15 heard it. If you said it, I apologize.

16 So when was the \$500 an hour rate
17 set?

18 A. I don't -- I don't remember the
19 exact date.

20 Q. I mean, it was sometime --

21 A. I know you're asking me for a
22 date. But I don't remember. I keep

1 telling you that.

2 Q. Was it a week ago?

3 A. I'm going to guess it at three
4 weeks ago, two weeks ago.

5 ATTORNEY PICKENS: Objection to
6 form.

7 BY ATTORNEY ZEILBERGER:

8 Q. Let's turn to your declaration.
9 If you could start at Paragraph 1. In
10 Paragraph 1, you say that your declaration
11 testifies regarding your personal knowledge
12 and involvement on the Imerj dual screen
13 folding smartphone project first at
14 Flextronics, now Flex and then at Imerj
15 Design, a division of Flextronics from
16 January 2010 through January 2013; is that
17 right?

18 A. Yes.

19 Q. Did you reference any documents
20 to refresh your recollection about what
21 happened in January 2010 through
22 January 2013?

1 A. Did I reference?

2 Q. Did you look at any documents to
3 make you remember?

4 A. I -- well, yeah, I probably did.
5 I mean, don't forget, it was more than 10
6 years ago.

7 Q. For sure. And I'm not implying
8 one way or the other whether that's bad or
9 good. I just want to understand what
10 happened.

11 A. Yes.

12 Q. Are there -- well, what documents
13 would you have looked at? Are they
14 documents that you had in your possession,
15 or documents that somebody shared with you
16 or both?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: Well, did I
20 reference any documents. So one of the
21 things that I did was I looked at my --
22 I went and looked up my employment

1 agreement with Flex just to make sure
2 that I had it -- you know, my
3 recollection of the starting point
4 was -- was correct.

5 BY ATTORNEY ZEILBERGER:

6 Q. Uh-huh.

7 A. And at that -- there's -- there's
8 kind of phases that transpired here.
9 Earlier when we were just doing -- looking
10 at the dates on the phone, I didn't,
11 because I thought we were just gonna look
12 at dates.

13 And I thought -- I thought that I
14 had documents, and I initially looked, but
15 I didn't find any. But then I did find
16 some documents.

17 Q. And you reviewed those documents
18 to help you remember what happened back
19 then?

20 A. Some of them, yes, yes.

21 Q. What do you mean by "some of
22 them" --

1 A. Yes --

2 Q. -- you looked at some and not
3 others or --

4 A. -- just there were emails, and I
5 reviewed the emails. I mean, you can't go
6 through all the emails, but, yes.

7 Q. Are all of the emails that you
8 reviewed exhibits to your declaration?

9 A. All of the emails that I reviewed
10 exhibits to my declaration. Probably not
11 because I thought some were irrelevant.

12 Q. And so all of the emails that you
13 thought were relevant are exhibits to your
14 declaration?

15 A. Yes.

16 Q. How many emails did you review?

17 A. Oh, my God. I don't -- I don't
18 know.

19 Q. I mean, was it tens or hundreds?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: I don't know. I

1 don't know. Maybe a hundred, maybe 50.

2 I don't know.

3 BY ATTORNEY ZEILBERGER:

4 Q. I'm just asking for a ballpark.

5 A. Yeah, I -- I couldn't answer that
6 question. It was more than 20.

7 Q. Uh-huh.

8 A. It was more than 50.

9 Q. And when you say that the ones
10 that you thought were relevant are exhibits
11 to your declaration, are you saying the
12 other emails were completely irrelevant, or
13 they were just less relevant to you?

14 ATTORNEY PICKENS: Objection to
15 form.

16 THE WITNESS: I mean, every email
17 would be relevant in some way, shape or
18 form. But, I mean, how much
19 information do you want to go through?

20 BY ATTORNEY ZEILBERGER:

21 Q. What I want to understand is, as
22 you said, this is a long time ago.

1 And are there other emails you
2 looked at that helped bring you back to
3 that time period and helped you remember
4 the things that you talk about in your
5 declaration?

6 ATTORNEY PICKENS: Objection to
7 form.

8 THE WITNESS: I looked at other
9 emails, and I brought -- pointed out
10 the ones that I thought were relevant.
11 And they are exhibits.

12 BY ATTORNEY ZEILBERGER:

13 Q. And so how many emails do you
14 think were the relevant emails?

15 A. Well, count the ones in here. I
16 don't know. I didn't count them all.

17 Q. Uh-huh.

18 A. I think there's probably -- what
19 is there? 60.

20 Q. The emails that are cited in your
21 declaration, are those all emails that you
22 found and provided to counsel?

1 ATTORNEY PICKENS: Objection to
2 form.

3 THE WITNESS: Most.

4 BY ATTORNEY ZEILBERGER:

5 Q. Which emails are not ones that
6 you found?

7 A. There was -- there were some
8 emails that Carmichael just wanted to
9 include. It's very hard -- it's just --
10 they were just examples of JIRAs, like,
11 a -- bug reports that they wanted to
12 include.

13 Q. Well, the bug report emails are
14 the majority of the emails --

15 A. Yeah.

16 Q. -- that you cite, right?

17 A. Yeah. But there's a subset of
18 those --

19 Q. I see.

20 A. -- that they wanted to include.

21 Q. So you found most of the bug
22 report emails, and they wanted to add

1 others?

2 A. I found most of those emails,
3 yes.

4 Q. Where did you find the emails
5 that you provided to counsel?

6 ATTORNEY PICKENS: Objection to
7 form.

8 THE WITNESS: They were in an
9 email archive.

10 BY ATTORNEY ZEILBERGER:

11 Q. And is that on a -- are they
12 stored kind of locally on a device that you
13 have, or on a server somewhere that you
14 have access to?

15 A. They were stored initially on a
16 server in my basement.

17 Q. And you said "initially."
18 What about after? What do you
19 mean?

20 A. Well, once I -- once I
21 discovered -- I actually had forgotten that
22 I even had it. Once I discovered it, I

1 contacted Flextronics, and I gave it back
2 to Flextronics.

3 Q. Uh-huh. And when did that
4 happen?

5 A. I don't remember the exact date,
6 but it was after -- it was after the point
7 in time in which we were trying to get the
8 dates off the phones and prior to me being
9 involved with my declaration.

10 Q. So you said you contacted
11 Flextronics about the server.

12 Did you give it back to them?

13 A. Yes.

14 Q. And before you gave it back to
15 them, you downloaded materials from it to
16 give to counsel?

17 A. No.

18 Q. So how did the emails that you
19 said you provided to counsel make their way
20 there?

21 A. I didn't -- I never said I
22 provided emails to counsel.

1 Q. Oh, okay. I misunderstood you.

2 So you didn't provide any of the
3 emails?

4 A. Okay. I discovered the emails --

5 Q. Uh-huh.

6 A. -- in my server. And Carmichael
7 asked if I had any documents.

8 Q. Uh-huh.

9 A. And I said I didn't know, but I
10 would look. And so I looked, and when I
11 discovered I had documents, I contacted
12 Flextronics and I told Carmichael, you need
13 to contact Flextronics, because I'm not
14 giving them to you.

15 Q. Uh-huh.

16 A. And Flextronics contacted me, I
17 gave them to Flextronics, and Flextronics
18 gave them to Carmichael.

19 Q. You said you reviewed emails?

20 A. Yes.

21 Q. Did that review happen before you
22 gave this -- the material on the server to

1 Flextronics or after?

2 ATTORNEY PICKENS: I'll just
3 caution you not to reveal the substance
4 of communications you may have had with
5 an attorney who represented you at the
6 time, but you can generally answer that
7 question without doing so.

8 THE WITNESS: I believe I did not
9 review those emails for the purpose of
10 providing them only to verify that --
11 what they were.

12 BY ATTORNEY ZEILBERGER:

13 Q. Uh-huh.

14 A. Do you understand the
15 distinction?

16 Q. I think so.

17 A. I had to -- I had to determine
18 what they were, and once I knew what they
19 were --

20 Q. Right. Then you raised your
21 hand --

22 A. Yes.

1 Q. -- and said -- yeah, okay. So I
2 think I understand, but let me try to
3 summarize.

4 You found this kind of batch of
5 documents, they went over to Flextronics,
6 Carmichael got it from Flextronics, and
7 then you reviewed --

8 A. That's right.

9 Q. -- that big batch of documents
10 and found what you thought --

11 A. That's right.

12 Q. -- what was relevant; is that
13 right?

14 A. That's right.

15 Flextronics also gave me a
16 waiver.

17 Q. What do you mean by that?

18 A. They gave me a waiver to --
19 because I wouldn't participate in this
20 whole process unless I was given a waiver.
21 So I understood that I shouldn't have had
22 those documents --

1 Q. Uh-huh.

2 A. -- and I -- I wanted to -- when I
3 reported it to Flex, they wanted me to help
4 out and so they gave me -- I told them I
5 wouldn't help unless they gave me a waiver
6 for having those documents, and they gave
7 me the waiver.

8 Q. When you say "a waiver," you
9 mean, like --

10 (Simultaneous unreportable
11 crosstalk occurs among parties.)

12 (Stenographer requests one
13 speaker at a time.)

14 BY ATTORNEY ZEILBERGER:

15 Q. Go ahead. I think --

16 A. Because it was -- we were
17 supposed to -- our employment contract said
18 we were supposed to destroy everything.

19 Q. I see.

20 And I think you said that
21 Flextronics wanted you to help out --

22 A. I believe so.

1 Q. Do you know why?

2 A. I have no idea.

3 Q. Did you speak to anybody at
4 Flextronics?

5 A. Yes.

6 Q. Who?

7 A. I can't remember the name, but he
8 was part of their legal team.

9 Q. Uh-huh. What did you talk about
10 with them?

11 A. I told him that I found an email
12 archive, and that I didn't want to pass it
13 on to anyone --

14 Q. Uh-huh.

15 A. -- because it could -- he --
16 because it could contain personal
17 information of people that worked for me.
18 And that I want him to take it back --

19 Q. Uh-huh.

20 A. -- and he did.

21 Q. Did he tell you anything about --
22 well, did he tell you anything?

1 A. No.

2 Q. So what led you to feel that
3 Flextronics wanted you to get involved?

4 ATTORNEY PICKENS: Again, caution
5 you not to reveal the substance of any
6 communications you may have had with
7 any attorney representing you at the
8 time.

9 But you can otherwise answer the
10 question.

11 THE WITNESS: Yeah, because in
12 the release that they sent us, it said
13 that we were -- because we were
14 cooperating, that they would give us
15 the waiver. That's why I felt that --
16 if I recall, it was in the release.

17 BY ATTORNEY ZEILBERGER:

18 Q. And were you worried that without
19 the waiver, you could have had some degree
20 of liability --

21 A. Yes.

22 Q. -- for having that server?

1 A. Yes. And I had completely
2 forgotten that I had that information.

3 Q. And did that waiver also
4 reference Mr. Becze?

5 A. Yes, I believe so, yes.

6 Q. Did he also need a waiver for
7 having documents?

8 A. No. But we had phones.

9 Q. I see. And so the waiver that
10 you received also required Mr. Becze to
11 cooperate in exchange for both of you
12 getting the waiver?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: Could you repeat
16 the question, please? I just...

17 BY ATTORNEY ZEILBERGER:

18 Q. The waiver that you received
19 required Mr. Becze to also cooperate in
20 exchange for both of you getting the
21 waiver?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: Yes. We -- we
3 wanted both to have the waiver to
4 cooperate.

5 BY ATTORNEY ZEILBERGER:

6 Q. Let's go to Paragraph 3 of your
7 declaration.

8 In Paragraph 3, you reference an
9 example of an Imerj dual screen folding
10 smartphone, and if you go to Page 2,
11 there's a picture of that.

12 A. Yes.

13 Q. Did you take this picture?

14 A. Possibly. I don't know who took
15 that picture.

16 How would I know?

17 Q. Well, if it was taken recently,
18 you might know.

19 A. There was -- there was
20 pictures -- so this was a picture of one of
21 the phones at our office. And I don't
22 remember whether it was myself or Ed or

1 Sanj when he came over when we were -- I
2 don't remember who took the pictures, but
3 it was one of us, yes.

4 Q. So this was taken recently --

5 A. Yeah --

6 Q. -- at one of your offices?

7 A. -- yeah.

8 Q. So it looks like you managed to
9 power on this Imerj prototype?

10 A. Yes.

11 Q. And it was working?

12 A. Yes.

13 Q. And what's that a picture of
14 there in the -- within the screen of the
15 device?

16 A. I don't know. I don't know what
17 the picture is of. It looks like it was
18 the -- possibly a browser.

19 Q. And so how would the -- what was
20 the process for getting that device hooked
21 up to the Internet today?

22 ATTORNEY PICKENS: Objection to

1 form.

2 BY ATTORNEY ZEILBERGER:

3 Q. Well, I'll take a step back.

4 Am I correct it looks like you
5 managed to get the device --

6 A. Yeah.

7 Q. -- hooked up to the Internet?

8 A. Same way you would any phone.
9 Just connect it to the Wi-Fi.

10 Q. There weren't any issues with a
11 device that hadn't been turned on for 10
12 years --

13 A. Well, like I said, we had many
14 phones, and many of them had an issue, and
15 some of them didn't.

16 I mean, we had to turn them on to
17 get dates off them, right? I already told
18 you that.

19 Q. Right. But maybe I've just been
20 unlucky in life, but I found that if I turn
21 on a very, very old device, often you would
22 have to, for example, update software in

1 order to access Wi-Fi today.

2 A. They connected. Or it connected.
3 I mean, it may not have been a browser. I
4 don't know.

5 Q. But it's your testimony today
6 that what's displayed on this screen is
7 something that was displayed on an actual
8 device?

9 A. Yeah.

10 Q. Was Mr. Sirpal present when you
11 managed to turn on and use one of these
12 Imerj devices?

13 A. I believe he was. I believe he
14 was. Not certain of that, but I believe he
15 was.

16 Q. Which version of the Imerj is
17 this picture of in Paragraph 3?

18 A. I don't know which version that
19 is. I think that's -- I don't know which
20 version this is. We have many versions.

21 Q. Besides the device that this --
22 that's shown here, were there any other

1 Imerj devices that you managed to power on?

2 A. Yes.

3 Q. How many?

4 A. I don't know. But they were
5 samples of the different evolutions of the
6 phone. It was, like, EV1 and EV2.

7 Q. Uh-huh.

8 A. And this was possibly later. But
9 you would have to ask Ed. I'm not an
10 expert -- Ed can look at them and tell you
11 which is which.

12 Q. So you managed to power on an
13 EV1?

14 A. I believe so, yes.

15 Q. And you managed to power on an
16 EV2?

17 A. I believe so. Again, speak to
18 Ed. I don't recall exactly. The reason
19 why I believe we did an EV1, because it
20 needed a different power connector.

21 Q. And I'm talking about this time
22 period recently within --

1 A. Yes. Yeah, yeah.

2 Q. -- the last year --

3 (Simultaneous unreportable
4 crosstalk occurs among parties.)

5 THE WITNESS: Yes.

6 THE STENOGRAPHER: Again, please
7 just wait for the full question.

8 BY ATTORNEY ZEILBERGER:

9 Q. Just to finish my question, I'm
10 talking about this time period within the
11 last year when Mr. Sirpal came by to drop
12 off some of his phones and you had some of
13 your phones and you tried to power on
14 devices?

15 A. Yes.

16 Q. And were any other of those
17 devices that you managed to power on
18 functional like the one that's shown here
19 in Paragraph 3?

20 A. Yes.

21 Q. In Paragraph 4 of your
22 declaration, you mention how you were

1 director of software development during the
2 Imerj project?

3 A. Yes.

4 Q. Did you have --

5 A. It was -- I just want to make a
6 subtle correction to that. When I started,
7 I was senior manager --

8 Q. Uh-huh.

9 A. -- and I was promoted to director
10 after about a year, just...

11 Q. And did you retain that same
12 director position for the duration of the
13 Imerj project?

14 A. Yes. Until the end.

15 Q. Even when you transitioned from
16 Flextronics to Imerj Design?

17 A. Yes.

18 Q. You mentioned how you drove
19 system architecture and development for the
20 smartphone firmware?

21 A. Yes.

22 Q. What did that include?

1 A. Oh, boy. Initially -- so the
2 firmware -- the initial architecture of the
3 firmware was done by me. I built the first
4 working prototype myself. I did the coding
5 to do it.

6 I then was tasked with building
7 the team to do the phone, to develop the
8 phone firmware. So I built the team, hired
9 the people. And then I managed the people
10 on a day-to-day basis to develop the
11 software.

12 That included project management
13 duties. It also included monitoring --
14 well, individual progress for the phone,
15 reviewing design for -- that came from the
16 individuals. At times reviewing code.
17 Ensuring people followed the development
18 process.

19 Reviewing quality myself as well.
20 I often looked at quality and how things
21 were, like, not just the code itself,
22 but --

1 Q. Uh-huh.

2 A. -- you know, looking, inspecting
3 how the thing was operating. Sometimes
4 doing testing. It was kind of an
5 all-hands-on-deck project where we did
6 everything.

7 Also did performance reviews of
8 people, which is one of the reasons why I
9 was concerned with that email archive --

10 Q. Uh-huh.

11 A. -- because of the personal
12 information. So I think you -- I think you
13 get the idea.

14 Q. And I noticed that you have some
15 of your own patents from the Imerj --

16 A. Yes.

17 Q. -- project?

18 Is it fair to say that you also
19 contributed to some of the design aspects
20 at -- some of the ideas for the design
21 aspects of Imerj?

22 A. Well, that's what I said in the

1 beginning. I built the first working
2 prototype of that software myself because
3 there was no one -- well, there were other
4 people.

5 Q. Uh-huh.

6 A. But I think the story is told in
7 here a little bit where there was initially
8 one architecture, which I didn't like.

9 Q. Uh-huh.

10 A. I went in, and I came up with a
11 different architecture. I made the code
12 modifications. I presented it to
13 management.

14 So -- and then ongoing, I was
15 involved in design as well.

16 Q. I see.

17 When you were working on the
18 Imerj, were you aware of other companies
19 developing two-screen mobile devices?

20 A. No.

21 Q. At any point that you were
22 working on the Imerj?

1 A. No. Not two-screen mobile
2 devices, no. Not phones. I believe there
3 was a game console, but not a mobile phone.
4 I believe. If I remember right.

5 Was it -- was it -- I don't...

6 Q. What about the -- the device by
7 Kyocera, the Echo?

8 A. I believe it was before Echo.

9 Q. Right. I'm not asking whether
10 you started on it before. I'm asking for
11 the whole time period that you worked on
12 the Imerj --

13 A. Yes.

14 Q. -- had you heard of other devices
15 like the Echo --

16 A. No.

17 Q. -- that had two screens --

18 A. No. Look, man, we were so
19 focused on this -- right? -- getting this
20 thing working --

21 Q. Well, sure --

22 ///

1 (Simultaneous unreportable
2 crosstalk occurs among parties.)
3 (Stenographer requests one
4 speaker at a time.)

5 THE STENOGRAPHER: I didn't hear
6 the end of the answer.

7 BY ATTORNEY ZEILBERGER:

8 Q. Did you have more to say?

9 A. I just said we were so focused on
10 our project that we weren't really looking
11 at other devices or looking around for what
12 other people were doing.

13 Q. And I would -- I don't mean it in
14 a negative way. I think it's normal for
15 companies to look at what other ones are
16 doing. It's unusual not to see what your
17 competitors are doing, but you're saying
18 you didn't look at that?

19 ATTORNEY PICKENS: Objection to
20 form.

21 THE WITNESS: This was the most
22 difficult project we had ever worked

1 on, and this required our full
2 attention. This project was the only
3 project that I worked over Christmas
4 Day in my life. So that will give you
5 an idea of how hard and focused we were
6 working on this.

7 BY ATTORNEY ZEILBERGER:

8 Q. I'm not questioning how much you
9 worked on it. I don't think it even
10 relates to what I asked you about.

11 A. We were focused on this. Someone
12 else's -- it was someone else's duty to
13 look at other stuff going on. I mean, we
14 did -- we compared this phone to the
15 iPhone --

16 Q. Uh-huh.

17 A. -- just because of its polish.
18 And I think you see that word in here a
19 lot, "polish."

20 Q. Uh-huh.

21 A. We were pursuing that level of
22 polish. That's -- that was our job.

1 Q. Do you have any knowledge about
2 how Multifold came to be in possession of
3 the rights to the patents from the Imerj?

4 A. I have no knowledge of it.

5 Q. For the patents that you're an
6 inventor on relating to your work on the
7 Imerj, did you retain any interest in those
8 patents?

9 A. I did not.

10 Q. And did you lose that -- or did
11 you ever have an interest in those patents,
12 or was one of your obligations as an
13 employee of Flextronics to assign all your
14 rights to them?

15 A. That's correct. We were paid.
16 We were paid to create patents, and you got
17 rewarded for creating patents. But you had
18 no ownership stake in it.

19 Q. What were you paid to create
20 patents?

21 A. I think it was -- I think it was,
22 like -- if you -- I think he got a thousand

1 dollars for that filing, and if the patent
2 was approved, you got another couple
3 thousand dollars or something like that.
4 In that ballpark.

5 Q. And as a manager or director, did
6 you get paid when your employees got
7 patents?

8 A. No.

9 Q. In Paragraph 5 of your
10 declaration, you say how the Imerj project
11 lasted from 2009 through the end of 2011.

12 Do you see that?

13 A. Yes, I do.

14 Q. Is it fair to say, then, that the
15 work on the Imerj in 2009 predated you?

16 A. That's correct.

17 Q. What did -- what was the state of
18 the Imerj project when you joined?

19 A. It's actually explained in here.
20 And it's the -- when I arrived, as I said,
21 I was assigned on a different project.

22 Q. Uh-huh.

1 A. They were having trouble getting
2 it to stabilize. They were using what was
3 called their dual-stack architecture.

4 Q. Uh-huh.

5 A. And that was the reason why I
6 rolled -- I was asked to -- I was asked to
7 join and help out the project. I was given
8 some tasks which I was very successful in
9 accomplishing.

10 Doing those tasks, I was able to
11 learn quite a bit about the Android
12 operating system. And I did that redesign
13 work myself.

14 So it was the dual-stack
15 architecture before me --

16 Q. Uh-huh.

17 A. -- and then the single-stack
18 architecture was my architecture design.
19 That's what I did.

20 Is that clear?

21 Q. Well, I guess I'd like to clarify
22 one thing.

1 You say in Paragraph 5 that the
2 Imerj project lasted through the end of
3 2011?

4 A. Yes.

5 Q. In Paragraph 1 of your
6 declaration, you -- the way I understood
7 what you said was that you were working on
8 the Imerj through January 2013.

9 Can you clarify those two
10 different dates?

11 A. Oh, okay. Yeah. I think -- I
12 think -- I think that's an error. But
13 that's when I was still with -- through
14 2013 was when I was still with Flextronics,
15 but the -- I believe the Imerj project
16 ended at the end of 2011.

17 Q. And so when you said that's an
18 error, you're talking about the date in
19 Paragraph 1?

20 A. Yeah. Yeah. Yeah. But I was
21 with Flex into that joint venture. There
22 was a time where we were still part of

1 Imerj as well, so it's a little bit unclear
2 exactly when the transition was, and I
3 don't remember the exact date.

4 They weren't clear what they were
5 gonna do with us.

6 Q. And when you say you were still
7 with Imerj, you mean you were still with
8 kind of -- an entity that was referred to
9 as Imerj, but it wasn't working on the
10 Imerj project?

11 A. Yeah. There was -- there was
12 some other names. Like, it went through --
13 there was Imerj, and then I think it went
14 to Z124, which I think if you look in some
15 of the patents where I'm named, there was a
16 company called Z124.

17 And then -- and then we were
18 possibly gonna work on other stuff, and
19 then we got into the Hisense joint venture
20 thing, which it took a while to name that.
21 So it's all just a bit of a fog.

22 Q. Have you -- strike that.

1 Are you familiar with an entity
2 called Frog Design?

3 A. Yes.

4 Q. What's Frog Design?

5 A. They're a company that
6 specializes in UX -- UI, UX design, yes.

7 Q. And Frog Design was involved in
8 the Imerj, correct?

9 A. In the early, early part of
10 Imerj, but not -- for the -- for the time
11 when I was with Imerj --

12 Q. Uh-huh.

13 A. -- and -- and starting from 2010,
14 there was no -- to the best of my
15 knowledge, there was no involvement with
16 Frog. That was before -- I think -- I
17 think that was 2009 or before.

18 But when I was there, there was
19 no involvement with Frog, to the best of my
20 knowledge.

21 Q. Are you familiar with what Frog
22 Design contributed to the Imerj?

1 A. I am not. That was more in
2 Sanj's wheelhouse.

3 Q. And are you familiar with Frog
4 Design's role when they were involved?
5 Like, were they putting out code or --

6 A. No.

7 Q. -- were they --

8 A. No.

9 Q. What were they doing?

10 A. As I said, I wasn't involved
11 there --

12 Q. Uh-huh.

13 A. -- and for the time I was working
14 there, I had nothing to do -- like, for the
15 time I was working there, there was no -- I
16 do not know or did not see any involvement
17 in Frog.

18 So for me to answer that
19 question, I would be purely speculating.
20 But I can tell you this: The first bit of
21 code that was submitted --

22 Q. Uh-huh.

1 A. -- for that project, for this
2 Imerj phone was my patch. So I can only
3 assume that Frog Design did not deliver any
4 code. Because I have the first patch for
5 that project.

6 Q. Uh-huh. Did you ever see any
7 documents or materials that referenced Frog
8 Design when you were working on Imerj?

9 A. Not to my recollection.

10 Q. Do you have any idea whether
11 Mr. Sirpal referenced materials from Frog
12 Design in his work?

13 A. I have no idea.

14 Q. Besides your work on the Imerj,
15 have you ever worked with or had any reason
16 to know about the Frog -- about Frog
17 Design?

18 A. No. I was in a different --
19 prior to Flextronics --

20 Q. Uh-huh.

21 A. -- I was in a different part of
22 the tech industry. I wasn't in consumer

1 stuff.

2 Q. So if they weren't involved once
3 you started working on Imerj, why is it
4 that you're aware of Frog Design's
5 involvement?

6 A. Because there was an article in
7 Engadget that tried to give some credit to
8 Frog, and I think you can still find
9 that -- that article.

10 And, in fact, when I went to CES
11 one year, I remember sitting on the
12 airplane with the phone and someone saying,
13 hey, look, it's the Frog phone.

14 Q. Uh-huh.

15 A. And that was it.

16 ATTORNEY PICKENS: Counsel, I'll
17 note we've been going about an hour.
18 If now is a good time for a break.

19 ATTORNEY ZEILBERGER: Sure.

20 ATTORNEY PICKENS: Thank you.

21 THE STENOGRAPHER: Off the
22 record.

1 (Whereupon, a recess was taken at
2 11:13 a.m.)

3 ATTORNEY ZEILBERGER: Let's go
4 back on.

5 BY ATTORNEY ZEILBERGER:

6 Q. During either of the breaks we've
7 had today, Mr. Cassar, has anyone spoken to
8 you about your testimony?

9 A. No.

10 Q. Before the break, you mentioned
11 that you were on an airplane with the phone
12 and someone said, hey, look, it's the Frog
13 phone?

14 A. Yes.

15 Q. What was your reaction to that?

16 A. Well, it was, like -- I actually
17 didn't react to the person at all. But
18 internally it was, like, that's not the
19 Frog phone. That's our phone.

20 ATTORNEY PICKENS: Counsel, I'll
21 just note for the record that the scope
22 of a deposition in a PTAB proceeding is

1 limited to the statements made by the
2 witness in his declaration. At least
3 that's my understanding.

4 We've had very limited
5 questioning on the declaration itself.
6 I'm not asking you to constrain your
7 questions. Just note that I don't
8 recall seeing Frog anywhere in the
9 declaration.

10 ATTORNEY ZEILBERGER: Counsel,
11 the speaking objections are improper.

12 ATTORNEY PICKENS: As is asking
13 questions outside the scope of
14 permitted discovery.

15 ATTORNEY ZEILBERGER: That's your
16 opinion, Counsel.

17 ATTORNEY PICKENS: Actually, I
18 was quoting the board.

19 ATTORNEY ZEILBERGER: It's your
20 opinion that it's outside the scope.

21 ATTORNEY PICKENS: Understood.

22 ///
23

1 BY ATTORNEY ZEILBERGER:

2 Q. Have you ever spoken to anybody
3 about Frog Design's contributions to the
4 Imerj?

5 A. No.

6 Could I just make something
7 clear? So the Engadget article was about
8 our phone. I just want to make that clear.
9 It wasn't about any other phone.

10 Was that clear before?

11 Q. I appreciate you providing that
12 statement.

13 A. Because it was an Engadget. It
14 was an Engadget article about Imerj.

15 Q. Okay. You mentioned in
16 Paragraph 5 that in the 2010-to-2011
17 timeframe, over 100 people were working
18 full time to test and develop the Imerj
19 smartphone --

20 A. Yes.

21 Q. -- do you see that?

22 A. Yes.

1 Q. What's your basis for remembering
2 that there were over 100 people working
3 full time?

4 A. Well, I myself had 15 to 20
5 people. There were also contractors
6 working for me from a company -- from
7 another company. There were -- there were
8 people who built the browser, a separate
9 company.

10 There were -- there was
11 another -- was it -- I think it was -- I'm
12 not sure -- it wasn't actually the browser,
13 it was the -- I think it was a PDF viewer
14 or something. There was -- there was a
15 team in San Diego working on the apps.
16 That was multi people.

17 Q. Uh-huh.

18 A. There were -- there was the
19 hardware team, which included both
20 electronics design and mechanical design.
21 There were people in the factory. There
22 were materials people. There were people

1 in China testing.

2 It was a big project.

3 Q. And so you added up those various
4 teams and came up --

5 A. Easily --

6 Q. -- with a number --

7 A. -- easily, easily.

8 Q. I'm asking when you wrote over --

9 A. It was --

10 Q. Mr. Cassar, please let me finish
11 my questions --

12 A. Sure, I'm sorry.

13 Q. -- so the court reporter --

14 A. Yes.

15 Q. -- can accurately transcribe.

16 But I think what you were saying,
17 this is an estimate based on what you can
18 remember --

19 A. Yes --

20 Q. -- is that right?

21 A. -- that's right.

22 Q. And when you mentioned that you

1 personally managed a team of approximately
2 15 to 20 software engineers working full
3 time, were all of those people employed
4 full time by Flextronics?

5 A. The people that I mentioned
6 there, yes, yes.

7 Q. Do you remember their names?

8 A. Many of them, yes.

9 Q. Whose names do you remember?

10 A. John Visosky, Tong Chen, Terry
11 Voth, Greg Burdzinski, Maxim Maritchenko.
12 I got -- those are the names off the top of
13 my head that I remember.

14 Q. And broadly speaking, what were
15 their roles on the Imerj project?

16 ATTORNEY PICKENS: Object to
17 form.

18 THE WITNESS: Software
19 development. Firmware, firmware,
20 software development. I hope it's okay
21 to use those two terms interchangeably.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Did any of the software engineers
3 working for you contribute ideas to the
4 Imerj project, or --

5 A. Absolutely.

6 Q. -- did they --

7 ATTORNEY PICKENS: Mr. Cassar,
8 please just give counsel a moment to
9 finish his question.

10 THE WITNESS: Okay. Sorry.

11 BY ATTORNEY ZEILBERGER:

12 Q. When you say they "absolutely,"
13 what sorts of ideas do you have in mind?

14 ATTORNEY PICKENS: Objection to
15 form. Again, I'll note this is outside
16 the scope of his declaration.

17 THE WITNESS: Are you talking
18 about -- can I -- can I ask for
19 clarity? Are you asking about ideas in
20 terms of intellectual property? Is
21 that what you're referring to?

22 Or are you talking about ideas in

1 the way the project was run? Or
2 what -- what specifically are you
3 asking about?

4 BY ATTORNEY ZEILBERGER:

5 Q. Ideas in terms of how the Imerj
6 device was designed?

7 A. Yes. They did contribute to
8 that. Yes.

9 Q. Do you recall examples of ideas
10 that they contributed to?

11 ATTORNEY PICKENS: Objection.
12 Outside the scope. Objection to form.

13 THE WITNESS: There is items
14 listed. I mean, there's a couple of
15 items listed in the project plan that's
16 cited that I could say were ideas
17 brought forward in the design of the
18 product.

19 BY ATTORNEY ZEILBERGER:

20 Q. Which ones are you referring to?

21 A. Just as an example, there's --
22 there's John by Viscosky minimized dual

1 display application transition controller,
2 maximized dual display application
3 transition controller.

4 That component being isolated and
5 having that -- that -- controlling that
6 state, I believe, was something that John
7 Visosky brought to the table. He was my
8 lead. He was my lead engineer.

9 Q. And I think you were referencing
10 the blown-up version of Exhibit 2023?

11 A. That's correct.

12 (Whereupon, Previously Marked
13 Exhibit 2033 is identified for
14 the record.)

15 BY ATTORNEY ZEILBERGER:

16 Q. Looking at that document --

17 A. No, I don't think it's 2023.
18 It's 2033.

19 Q. 2033. Thank you.

20 A. Yes.

21 Q. Are there any other examples that
22 you can think of looking at that exhibit?

1 ATTORNEY PICKENS: Counsel,
2 again, this has nothing to do with his
3 declaration. You're clearly fishing to
4 create inventorship problems with
5 patents, and it's improper.

6 ATTORNEY ZEILBERGER: Counsel,
7 your statements are highly improper.

8 ATTORNEY PICKENS: This whole
9 line of questioning is outside the
10 scope of the deposition.

11 You may answer the question.

12 THE WITNESS: Tong Chen designed
13 the touch mechanism, for example. Tong
14 Chen was one of my engineers, if I
15 hadn't already mentioned him.

16 The touch on that device was
17 unique, because it involved designing a
18 multitouch capability across two
19 separate touch displays -- or touch --
20 touch devices as opposed to one.

21 And so that required a -- a lot
22 of design. We were an engineering

1 team. I -- I don't know -- I mean, if
2 you're familiar with software
3 development, I don't know what --
4 that's what you would typically expect
5 from an engineering team where all the
6 different individuals would contribute
7 design.

8 They weren't just coders.

9 BY ATTORNEY ZEILBERGER:

10 Q. In Paragraph 8 of your
11 declaration, you refer to Exhibit 2031,
12 which is an email, correct?

13 (Whereupon, Previously Marked
14 Exhibit 2031 is identified for
15 the record.)

16 THE WITNESS: Yes.

17 BY ATTORNEY ZEILBERGER:

18 Q. And you have a copy of
19 Exhibit 2031 with you?

20 A. Yes, I do. Right here.

21 Q. Is -- strike that.

22 In Exhibit 2031, it's an email

1 from Paul Reeves, correct?

2 A. Yes.

3 Q. And you're one of two people that
4 received this email?

5 A. Yes.

6 Q. In your declaration at
7 Paragraph 8, you say -- you refer to a
8 meeting, and I think that's the meeting
9 that's being mentioned in Exhibit 2031; is
10 that correct?

11 A. Yes.

12 Q. And in Paragraph 8, you say that
13 at that meeting, "We would decide to
14 recommend the adoption of the single-stack
15 architecture and abandon the dual-stack
16 architecture," correct?

17 A. Correct.

18 Q. And you were involved in the
19 decision-making process for that --
20 right? -- you probably -- you pushed for
21 it, right?

22 A. Yes.

1 Q. And you say that the
2 recommendation was taken to Rod Schrock --

3 A. Yes.

4 Q. -- who agreed with the
5 recommendation, correct?

6 A. Correct.

7 Q. And what's your basis for
8 recollecting that meeting?

9 A. What's my basis? That was the --
10 really the turning point of my involvement
11 in the project --

12 Q. Uh-huh.

13 A. -- where I was transitioned from
14 someone who was moved from one project into
15 that project as someone just to help, to
16 someone who would build the team and take
17 the team forward into the project.

18 Because my design proved to be
19 superior. And that's the basis, it was a
20 turning point.

21 Q. Who is Rod Schrock?

22 A. Who is Rod Schrock. Rod Schrock

1 was the general manager of the project. I
2 don't know if that was -- I believe that
3 was his correct title, but he was the top
4 executive sponsor for the project, either
5 top or second-from-the-top executive
6 sponsor of the project.

7 The project was his brainchild.
8 And I think I'll stop there.

9 Q. Moving on to Paragraph 9 of your
10 declaration.

11 You say that the gesture
12 functionality implemented in the Imerj
13 smartphone was defined by Sanjiv Sirpal and
14 his team, correct?

15 A. Correct.

16 Q. When you refer to "his team," who
17 are you referring to?

18 A. Well, Sanj had a number of people
19 working for him. One individual, his name
20 was Mo Selim, I believe was the second
21 name. There was another guy, Alex de Paz.
22 I believe in the beginning those were the

1 main guys, but his team grew as well as we
2 went on.

3 There's another individual, is a
4 low -- is a Low something. I don't
5 remember all the guys -- I don't even
6 remember all the guys in my project. By
7 the way, Vlod in this was another one of my
8 team members, Vlod Lemberg. He became one
9 of my team members.

10 So, yes, Sanj had a number of
11 people working under him.

12 Q. And I would just like to
13 understand the dynamics a little bit.

14 Was it kind of a one-directional
15 flow of information where Sanjiv and his
16 team would define the gesture functionality
17 and you and your team would implement it?
18 Or would you ever give feedback on the
19 suggestions?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: There was some

1 feedback. But for the most part, it
2 was -- for the most part, it was -- a
3 lot of it was one way, but obviously,
4 there's gonna be feedback.

5 I mean, a lot of times when
6 you're building things, you discover
7 things that aren't quite right, there,
8 so there was always feedback.

9 BY ATTORNEY ZEILBERGER:

10 Q. In Paragraph 9, the last sentence
11 you say, "Sanjiv came up with the concept
12 of minimizing and maximizing apps in dual
13 portrait and dual landscape modes."

14 Do you see that?

15 A. Yes, I do.

16 Q. How do you know it was Sanjiv
17 versus somebody on his team that came up
18 with that idea?

19 A. I don't.

20 Q. So would it be more accurate to
21 say in Paragraph 9 Sanjiv or someone on his
22 team came up with the concept of minimizing

1 and maximizing apps --

2 A. No.

3 Q. -- in dual portrait and dual
4 landscape modes?

5 A. No, I don't think so. Because
6 early in the project, it was just him, and
7 I think that a lot of these concepts were
8 developed early in the project.

9 I'll give you an example. One of
10 the first things that I had to do was make
11 a window move from screen to screen --

12 Q. Uh-huh.

13 A. -- right? Sanj was -- Sanj
14 didn't have his team yet, so it primarily
15 came from Sanj.

16 Q. When did -- so you're saying
17 Sanjiv worked alone for a period of time --

18 A. For a period of time, yes. A
19 small team.

20 Q. Well, was it a small team, or was
21 it he worked alone?

22 A. I don't exactly remember. I

1 think it was just him for -- for a large
2 portion of the time.

3 Q. I see.

4 A. Or in the beginning.

5 Q. Well, which one? Large portion
6 or beginning? Two very different things.

7 A. In the beginning. I'm going to
8 say in the beginning. I don't recall when
9 he grew his team or when who -- when people
10 came on. I don't recall. I know that --
11 the teams were very small when I joined.

12 Q. And whether or not it was Sanjiv
13 Sirpal or someone on his team that came up
14 with this idea, you don't know the answer
15 to that; you're more basing it on just the
16 timeline and --

17 A. Yeah --

18 Q. -- what was happening at the
19 time?

20 A. -- yes, that's right.

21 ATTORNEY PICKENS: Objection to
22 form.

1 BY ATTORNEY ZEILBERGER:

2 Q. In Paragraph 10 of your
3 declaration -- I think you moved too far.

4 In Paragraph 10 you state, "I
5 directed implementation of the gesture
6 functionality in the Imerj software based
7 on specifications provided by Sanjiv. Ut
8 was one of the first things I worked on at
9 Imerj, and some of the gesture capability
10 was available in the earliest --

11 A. Yep.

12 Q. -- "prototypes."

13 Do you see that?

14 A. Yes.

15 Q. When you say it was one of the
16 first things you worked on at Imerj, was
17 this even before shifting to the
18 single-stack architecture?

19 ATTORNEY PICKENS: Objection to
20 form. Outside the scope.

21 THE WITNESS: Yes.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. In the last sentence of
3 Paragraph 10 you say, "From the beginning,
4 I was confident we could develop a device
5 that would work for its intended purpose
6 based on the specifications provided by
7 Sanjiv Sirpal."

8 A. Uh-huh.

9 Q. Why were you confident?

10 A. That's a good question. The
11 reason -- because I -- I worked very hard
12 to learn the code --

13 Q. Uh-huh.

14 A. -- the actual -- I got into the
15 actual code of Android. And I could see
16 where I could put my hooks in to develop
17 that phone.

18 Q. In Paragraph 11, you say you
19 reviewed Exhibit 2006 UX overview.

20 Do you see that?

21 A. Yes, I do.

22 Q. You have a copy with you?

1 A. Yes, I do.

2 (Whereupon, Previously Marked
3 Exhibit 2006 is identified for
4 the record.)

5 BY ATTORNEY ZEILBERGER:

6 Q. When was the first time that you
7 saw the presentation that's reflected in
8 Exhibit 2006?

9 A. I believe the first time I saw it
10 is when the presentation is dated
11 November 18, 2010.

12 Q. I see. So you -- this was an
13 actual presentation --

14 A. Yes.

15 Q. Please let me finish my
16 questions.

17 A. Okay. Sorry.

18 Q. This was an actual presentation
19 that Mr. Sirpal gave that you attended?

20 A. Yes, yes.

21 Q. Who was in attendance?

22 A. Oh, God. It was a circulated

1 document that was used. It was also
2 circulated. But I don't remember who
3 attended. But certainly Rod Schrock would
4 have been there. I would have been there.
5 My team would have been there.

6 Q. And this was a meeting that was
7 internal to Flextronics?

8 A. Yes.

9 Q. And do you recall if Mr. Sirpal
10 is the one who presented this presentation?

11 A. I don't exactly recall. But I
12 believe -- I have a vague recollection, and
13 I believe it would be him. I distinctly
14 remember this, distinctly. There's things
15 about this that are just -- I just
16 distinctly remember this.

17 Q. Do you know who prepared this
18 presentation in Exhibit 2006?

19 A. I don't know. I would just
20 assume it was Sanj.

21 Q. Well, I mean, is it fair to say
22 that often a leader of a team will be the

1 one who will present, but it could be the
2 leader's employees helped prepare the
3 presentation?

4 ATTORNEY PICKENS: Objection to
5 form.

6 THE WITNESS: I would only be
7 speculating, but I would -- I would
8 just assume -- I would assume he got
9 help the same way. I mean, I had a
10 team working on -- on that phone. You
11 couldn't possibly do all that yourself.

12 BY ATTORNEY ZEILBERGER:

13 Q. And do you know -- strike that.

14 Do you have any recollection,
15 apart from seeing a date on the cover of
16 this presentation, about when the
17 presentation was made?

18 A. I could not give you a date, but
19 I can tell that you we wouldn't have been
20 building the code unless that presentation
21 or something similar was given to us.

22 Q. In Paragraph 12, you say that

1 this document confirms your recollection
2 that Sanjiv came up with the idea from the
3 gesture functionality at issue here
4 including dual screen applications for
5 parent-child relationships, minimization
6 and maximization functionality and moving
7 windows from one screen to another no later
8 than November 18, 2010.

9 Do you see that?

10 A. Uh-huh.

11 Q. And here again, is it fair to say
12 that when you say "Sanjiv came up with the
13 idea," you're referring to Sanjiv or people
14 on his team?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: Here's what I'll
18 say: Sanjiv had people helping him,
19 but he was the brain of -- like, he was
20 the UI, UX guy. The people helping him
21 were the graphics people drawing nice
22 pictures and things like that.

1 And so -- so I would -- could
2 only assume, I have to assume, I know
3 Sanj, that came from him.

4 BY ATTORNEY ZEILBERGER:

5 Q. But that's based on not specific
6 knowledge that Sanjiv did this, but from
7 your speculation about what you know about
8 Sanjiv as a person?

9 ATTORNEY PICKENS: Objection.

10 THE WITNESS: That's correct. I
11 didn't see him create this document.

12 ATTORNEY PICKENS: Objection to
13 form.

14 BY ATTORNEY ZEILBERGER:

15 Q. When you refer to "dual screen
16 applications with parent-child
17 relationships," what do you mean?

18 A. There was a class of applications
19 on the phone that could be expanded across
20 multiple displays. And parent-child was --
21 defined that there was one of the displays
22 was a -- it was sort of like a dominant

1 display that would survive -- that would
2 always survive when the -- when the
3 application was collapsed back.

4 But there was always a
5 relationship between the parent and child.
6 I'm going -- I'm not going to say displays,
7 but we called them activities in Android.

8 So there's a relationship between
9 the two, but there's a dominant one that
10 would always survive when you collapse.

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: I used the word
14 "collapse." I meant "minimize," to be
15 more specific with this documentation.

16 BY ATTORNEY ZEILBERGER:

17 Q. I'm still a little confused about
18 the timing. I think you said you wouldn't
19 have started implementing this
20 functionality until you had this
21 presentation in November of 2010, correct?

22 ATTORNEY PICKENS: Objection.

1 Form.

2 THE WITNESS: No. This
3 presentation or concepts -- right --
4 BY ATTORNEY ZEILBERGER:

5 Q. Uh-huh.

6 A. These concepts were evolved.
7 Many of the concepts were -- some of the
8 concepts were presented earlier, but this
9 was an accumulation of everything in one
10 document.

11 So it evolved -- they evolved
12 over the project. So some of the things
13 were worked on earlier in the project as we
14 got them.

15 Does that make sense?

16 Q. It does.

17 A. But I think...

18 Q. Were you checking something?

19 A. Well, I just wanted to see
20 what -- just confirming what I said here,
21 right? Because it says "no later than" --
22 right? -- which is in line with what I

1 said, the concepts evolved through the
2 project.

3 And this was a consolidation.

4 Q. When you converted from the
5 dual-stack architecture to the single-stack
6 architecture, did you have to recode
7 functionality for the Imerj?

8 A. Completely. As I told you, the
9 very first patch was mine.

10 Q. And we were looking at it
11 earlier, the Exhibit 2033 document. You
12 have the blown-up version. But you might
13 need to reference the full version.

14 It has dates on the right-hand
15 side. I think you won't see it in the
16 version that you brought with you today. I
17 don't know if -- I can give you a version
18 if you don't have the full copy.

19 A. 20 -- it's --

20 Q. 2033. So there's dates that
21 start with either August 2010 or possibly
22 July 2010. It's a little hard to

1 interpret.

2 On the top bar of the --

3 A. This?

4 Q. Yeah.

5 A. Yes.

6 Q. So is this the beginning of the
7 kind of dual-stack architecture? Are all
8 the time periods here -- I'm sorry,
9 single-stack architecture?

10 A. Everything here is single-stack
11 architecture.

12 Q. Okay. Was there a similar
13 tracking sheet for dual-stack architecture?

14 A. No.

15 Q. Why not?

16 A. Because I was -- the dual-stack
17 architecture was started before I started.
18 There was -- to the best of my knowledge,
19 there wasn't one. There may have been one,
20 but to the best of my knowledge, there
21 wasn't one. I never saw one.

22 And I wasn't managing, so...

1 Q. Well, but I think you said that
2 you implemented the gesture functionality
3 we've been talking about on the dual-stack
4 architecture?

5 A. Yes. Initially, yes. But I
6 wasn't -- so understand -- right? -- I was
7 asked to jump in and help, because those
8 guys were having a tough time.

9 Q. Uh-huh.

10 A. And so I jumped in, and I helped
11 them implement a couple of things. But at
12 that point, I was just really on loan to
13 that project. I wasn't managing it yet.

14 Q. In Paragraph 13 of your
15 declaration, you say, "The dual screen
16 handset includes a gesture strip across the
17 top of the device shown by the dashed box
18 in the figure below."

19 A. Uh-huh.

20 Q. Do you see that?

21 A. Yes, I do.

22 Q. What's a gesture strip?

1 A. It's a touch area of the phone
2 where there's no -- it's no display. It's
3 above the display.

4 Q. Uh-huh.

5 A. And you could do various touch
6 gestures, like -- you could do a flick.
7 That would do something. It would flick
8 the one app from one screen to the other.
9 You could do a long drag.

10 There were various gestures you
11 could do in that area that would interact
12 with the phone to manipulate your specific
13 application or manipulate the set of
14 applications that were launched.

15 Q. In Paragraph 17 of your
16 declaration, in the portion of Paragraph 17
17 below the picture, you say that the example
18 above shows the Internet browser in dual
19 screen mode.

20 Do you see that?

21 A. Yes, I do.

22 Q. Is the picture that's provided in

1 Paragraph 17 a mock-up or an actual live
2 implementation?

3 A. I don't know. I don't know where
4 that originally came from. I think it came
5 from one of Sanj's documents.

6 Q. Yeah, I think you cite
7 Exhibit 2006, if I'm not mistaken, which is
8 the presentation we were talking about.

9 A. Yeah, right.

10 Q. So would you agree that this is a
11 mock-up rather than an actual implemented
12 version?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: I can't say that.
16 I mean, it's what I recall. It's what
17 I recall -- exactly what I recall the
18 browser looking at.

19 BY ATTORNEY ZEILBERGER:

20 Q. If you go to -- can you go to
21 Page 49 of Exhibit 2006?

22 A. Exhibit 2006. Yes.

1 Q. And there is a person there with
2 a phone number (555) 000-0000.

3 Do you see that?

4 A. No, I don't. Can you point...

5 Q. Right under -- well, there's two
6 different people with that same phone
7 number, Amanda Wolph-Hassen and Gregg
8 Collins, right under their names. You can
9 see phone numbers in the top.

10 A. Oh, okay. Up here?

11 Q. Page 49.

12 A. Well, that's where I was.

13 Q. Right. So if you look here for a
14 second.

15 Right there.

16 A. Okay.

17 Q. Do you see the phone number that
18 I read to you?

19 A. Yes, I do.

20 Q. And that's not a real phone
21 number, correct?

22 A. Sure, okay.

1 Q. Do you have an understanding that
2 it is a real phone number?

3 A. I don't know whether that's a
4 valid phone number somewhere in the world.
5 I don't know. But it doesn't mean that's
6 not off the phone. Because they could have
7 just put that in there as a -- as a --
8 like, demo information.

9 Q. Okay. So your understanding is
10 that this is from a demo?

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: Well, I don't know.
14 I don't know where this came from. But
15 it is identical to what I recall the
16 phone being like.

17 But -- okay.

18 BY ATTORNEY ZEILBERGER:

19 Q. What was...

20 A. I'm just -- I'm confused why
21 you're asking me these questions. Because
22 this is -- this is obviously a -- you know,

1 this is a "what you guys need to build"
2 presentation.

3 It's not -- it's not a
4 presentation trying to present what the
5 phones is. This is a, "what you guys need
6 to go and build."

7 So -- and some of it may have
8 already been built. Because as I said,
9 this was an accumulation or a
10 consolidation.

11 Q. In Paragraph 18, you say that you
12 were implementing basic gesture
13 functionality in the spring of 2010.

14 Do you see that?

15 A. Yes.

16 Q. Why would you need to wait for
17 input from Mr. Sirpal and his team before
18 implementing even basic gesture
19 functionality?

20 ATTORNEY PICKENS: Objection to
21 form.

22 THE WITNESS: Because he was the

1 lead design. So if I did this in 2010,
2 it was because that's what Sanj said,
3 it needed to happen. The design was
4 his responsibility; the implementation
5 was my responsibility.

6 BY ATTORNEY ZEILBERGER:

7 Q. Was Sanjiv Sirpal working on the
8 Imerj when you first started working on the
9 Imerj?

10 A. Yes.

11 Q. So he predated you?

12 A. Yes.

13 Q. You mentioned seeing an exhibit
14 during one of your more recent Zoom
15 meetings with Mr. Sirpal.

16 Is Exhibit 2006 the exhibit that
17 you saw?

18 A. No.

19 Q. Do you have the exhibit that you
20 saw during that Zoom meeting with you
21 today?

22 A. Yeah. I believe it was the Tiger

1 team one.

2 Q. Which exhibit are you referring
3 to?

4 A. I'll have to find it.

5 Q. Please do.

6 A. It was -- it was this one. It
7 was Exhibit 2007.

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

11 BY ATTORNEY ZEILBERGER:

12 Q. And when Exhibit 2007 was shown
13 to you during the Zoom meeting, was it
14 Mr. Sirpal who was talking about it?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: I don't recall. It
18 was before we were really involved with
19 this, and it was when -- all we were
20 trying to do was get the dates off
21 phones.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Is there anything in Exhibit 2007
3 that would help you get the dates off of
4 phones?

5 A. No.

6 Q. Which pages of Exhibit 2007 did
7 you see during the Zoom meeting?

8 A. I actually don't remember. All I
9 remember was seeing something about Tiger
10 teams.

11 Q. So are you even sure that this is
12 the exhibit that you were shown during the
13 Zoom meeting?

14 A. Well, I remember this, the Tiger
15 team.

16 Q. But it could have been a
17 different presentation directed to Tiger
18 teams; is that right?

19 A. I suppose it could have been.

20 Q. You say that there were many
21 different gesture functionalities
22 implemented in the Imerj smartphone and

1 related tablet and laptop products. The
2 functionality, you understand, is relevant
3 here is dual portrait mode, maximization
4 and minimization.

5 Do you see that?

6 A. No. Can you tell me, please,
7 which paragraph you're referring to?

8 Q. Paragraph 19.

9 A. Yes, I see that.

10 Q. What's the basis for your
11 understanding about the functionality
12 that's relevant here?

13 A. So, first of all, I remember
14 doing this. I remember this being
15 available, but there's also lots of
16 supporting documentation in here that
17 indicates this functionality. There's many
18 exhibits in here.

19 Q. Yeah. So let me rephrase. I
20 think we're talking past each other.

21 You say -- you refer to many
22 different gesture functionalities, and then

1 you say, the functionality, I understand,
2 is relevant here is dual portrait mode,
3 maximization and minimization.

4 A. Yes.

5 Q. So I'm focusing on your
6 understanding of why that particular
7 functionality is relevant here.

8 ATTORNEY PICKENS: I caution the
9 witness just not to reveal the
10 substance -- I caution the witness not
11 to reveal the substance of any
12 communications you may have had with
13 counsel who represented you; however,
14 to the extent that you're aware of the
15 source or origin of your understanding
16 of that, you may state that.

17 THE WITNESS: So could you
18 repeat? What is the -- what is the
19 issue here or the -- what are you
20 trying to get to here? I'm -- I'm just
21 kind of lost.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. I'm trying to understand the
3 basis for the understanding that you're
4 referring to in Paragraph 19. You
5 reference -- let's kind of take it step by
6 step.

7 A. Yep.

8 Q. You reference many different
9 gesture functionalities that were
10 implemented --

11 A. Yes.

12 Q. -- in the Imerj?

13 A. Yes.

14 Q. And then the next sentence says
15 that you understand there's a particular
16 functionality that's relevant here?

17 A. Yes.

18 Q. And by "here," I assume you mean
19 this proceeding?

20 A. Yes. This -- this declaration,
21 yes.

22 Q. Right.

1 A. Because the declaration is about
2 the dual screen, the maximizing and
3 minimizing.

4 Q. Right. So my question is: How
5 is it you came to have the understanding
6 that gesture functionality that you
7 describe in Paragraph 19 is what is
8 relevant to this proceeding?

9 ATTORNEY PICKENS: Same caution
10 regarding communications with counsel.

11 But you can answer.

12 THE WITNESS: Because it's with
13 respect to maximizing and minimizing
14 the dual screen applications. It's the
15 basis of this whole discussion.

16 BY ATTORNEY ZEILBERGER:

17 Q. Is your understanding that that
18 is what's relevant something you learned
19 from attorneys or from somebody else like
20 Mr. Sirpal?

21 ATTORNEY PICKENS: Same caution.
22 You can answer the question.

1 THE WITNESS: I know this phone.
2 I know what the apps are supposed to
3 do. I can't pretend to remember all
4 the details, but I do know that when
5 we're talking about maximizing and
6 minimizing a dual screen app, there's a
7 couple of gestures that are -- that are
8 relevant to that functionality.

9 BY ATTORNEY ZEILBERGER:

10 Q. How did you know what gesture
11 functionality to talk about in your
12 declaration?

13 ATTORNEY PICKENS: Same caution.

14 THE WITNESS: Because the whole
15 declaration is about the maximizing and
16 minimizing the dual screen
17 applications.

18 BY ATTORNEY ZEILBERGER:

19 Q. Right. But this is your
20 declaration.

21 A. Yes.

22 Q. So why is it that you chose to

1 focus on that functionality versus some
2 other gesture functionality?

3 ATTORNEY PICKENS: Same caution.

4 THE WITNESS: Because that's what
5 this whole discussion is about, is it
6 not?

7 BY ATTORNEY ZEILBERGER:

8 Q. But why is that?

9 A. I don't know. I guess that's
10 what the patent dispute is about, is it
11 not?

12 ATTORNEY PICKENS: Counsel, if
13 this is a good time for a lunch break
14 in the next 5 to 10 minutes.

15 ATTORNEY ZEILBERGER: Sure. We
16 can break now.

17 THE STENOGRAPHER: Off the
18 record.

19 (Whereupon, a recess was taken
20 for lunch at 12:25 p.m.)

21 BY ATTORNEY ZEILBERGER:

22 Q. Welcome back from lunch,

1 Mr. Cassar.

2 A. Thank you. You too.

3 Q. Thank you.

4 During the lunch break, did
5 anyone speak to you or otherwise provide
6 information related to your testimony
7 today?

8 A. No.

9 Q. Earlier today, do you remember we
10 were talking about your blown-up version of
11 Exhibit 2033?

12 A. Yes.

13 Q. Can you pull that back?

14 And is it fair to say that this
15 is a document that tracks the progress of
16 various tasks that you and your team were
17 working on?

18 A. Yes.

19 Q. And the leftmost column is just a
20 number or sequence from one to the last
21 task, correct?

22 A. Yep.

1 Q. What's the second column?

2 A. There's just a marker if there's
3 any comments or notes in there associated
4 with the task. And you could -- if you
5 were actually in Microsoft Project, which
6 is what this is from, you could actually
7 explode that.

8 Also, there's a checkmark that
9 indicates when -- you get a checkmark when
10 it's 100 percent done as well.

11 Q. Uh-huh. So some of these tasks
12 have comments that are associated with them
13 that are not part of Exhibit 2033; is that
14 right?

15 A. Yes.

16 Q. And earlier today, I believe you
17 were referencing Tasks 54, 55 and 56 when
18 you were talking about John Visosky --

19 A. Yes.

20 Q. -- is that correct?

21 A. Yes.

22 Q. And there are little pictures

1 there in the second column?

2 A. Yes.

3 Q. And so there are comments
4 associated with those three tasks?

5 A. Yes.

6 Q. Do you know what those comments
7 are?

8 A. I have -- I have no idea at this
9 point in time, but I can show you the
10 checkmark means it's done.

11 Q. Did you -- well, let me take a
12 step back.

13 Were you curious what those
14 comments were when you were preparing your
15 declaration?

16 A. No.

17 Q. Why not?

18 A. Because they're done tasks.
19 They're irrelevant.

20 Q. John Visosky was hired in the
21 spring of 2010, correct?

22 A. Correct.

1 Q. Why was he hired?

2 A. To be a software developer or a
3 firmware developer on the team, and he was
4 also hired as my lead -- lead software
5 developer or firmware developer.

6 Q. And so he was the lead software,
7 firmware developer for the Imerj?

8 A. For this system level software,
9 he was -- yes, he was most active in
10 getting code done.

11 Q. And you referenced earlier how he
12 contributed ideas to these three tasks, 54,
13 55 and 56?

14 A. Yep.

15 ATTORNEY PICKENS: Objection.

16 BY ATTORNEY ZEILBERGER:

17 Q. Could you describe those ideas?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: Could have been the
21 design, like, you know, we need
22 something that does, you know, a

1 controller task that keeps the state of
2 things and it does the state
3 transitions. It's that simple.

4 BY ATTORNEY ZEILBERGER:

5 Q. I think you're giving me
6 examples.

7 Is that the extent of it, or was
8 there more to it?

9 A. Well, I mean, it's software. I
10 mean, I could go on and on and on. I don't
11 know how much you want to talk about this
12 stuff but --

13 Q. Yeah, whatever you remember.

14 A. You know, so hang on. Let me get
15 back to where -- so single display
16 application transition controller.

17 So, again, it would have tracked
18 the state when an application -- you know,
19 as it transitioned through its -- through
20 its states would have been, like, the
21 active application transitioned through its
22 states, if you open and close the device,

1 rotate the device, it knew what state -- or
2 the application would have to report the
3 state that it was in.

4 And it would handle giving the
5 next state that you would have to go into.
6 It was like a state machine, if I recall
7 right.

8 Q. So that was the single display
9 application?

10 A. Yeah. There were multiple of
11 these components that would track state and
12 say what needed to happen next kind of
13 thing.

14 ATTORNEY PICKENS: Objection to
15 form, scope. Prior three questions.
16 BY ATTORNEY ZEILBERGER:

17 Q. And what about the minimize and
18 maximize dual display application
19 transition controllers?

20 ATTORNEY PICKENS: Same
21 objection.

22 THE WITNESS: Similarly.

1 Similarly. Similar to the single,
2 like, track the state of application as
3 it transitioned from the various -- you
4 know, whether it was on -- it's a dual
5 display app running on one display or
6 two displays, that kind of stuff, which
7 orientation, what to do next.

8 I mean, you're asking me, again,
9 stuff that we did 15 years ago. It's
10 not always easy to remember this stuff.

11 BY ATTORNEY ZEILBERGER:

12 Q. Sure.

13 A. I'm doing my best.

14 Q. Sure. Your declaration is about
15 stuff that happened 15 years ago --

16 A. Yes.

17 Q. -- right?

18 A. Yes.

19 Q. Did you have a better
20 recollection about what happened when you
21 prepared your declaration versus today?

22 A. Well, I mean, look at, man, you

1 got to -- you got to look at -- you know,
2 when something says it's done, this was
3 here to show the overall state of the
4 project.

5 Q. Uh-huh.

6 A. Not getting down to the minutia
7 of code. I mean, it would be impossible
8 for anyone to remember code from 15 years
9 ago.

10 Q. But when you say -- there's a
11 checkmark here so this says it's done,
12 you're relying on that checkmark to know
13 that it was done; you don't actually
14 remember 15 years ago finishing these
15 tasks?

16 ATTORNEY PICKENS: Objection to
17 form.

18 THE WITNESS: It says it's
19 100 percent done in here. I
20 remember -- there's other -- there's
21 other exhibits in here that demonstrate
22 that things are done.

1 I do remember that, in general,
2 the WPC stuff was done in this
3 timeframe, in this general timeframe,
4 absolutely. This is supporting
5 documentation.

6 BY ATTORNEY ZEILBERGER:

7 Q. What do you mean by "this general
8 timeframe"?

9 A. From late 2010 to early 2011, the
10 WPC stuff was done.

11 Q. I mean, what -- what's early
12 2011? Is that January? February? March?
13 April?

14 A. I'm gonna say January,
15 essentially January.

16 Q. What do you mean by "essentially
17 January"?

18 A. January.

19 Q. So you're -- even though it was
20 15 years ago, you remember it wasn't in
21 February?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: All this stuff is
3 supporting, right? And I haven't -- I
4 have a general recollection of when
5 things were done. And this supports my
6 recollection.

7 BY ATTORNEY ZEILBERGER:

8 Q. Right. And I want to focus for a
9 minute, not on the exhibits that you're
10 citing but on what you actually remember in
11 your mind.

12 A. Okay.

13 Q. And in your mind, do you remember
14 finishing this WPC gesture functionality
15 in -- or by January 2011, or could it have
16 been by February 2011 or March 2011?

17 ATTORNEY PICKENS: Objection to
18 form.

19 THE WITNESS: To be honest, I
20 think it was done before the end of
21 2010. That's my general recollection.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. And why do you say that?

3 A. Because I remember -- I remember
4 this working.

5 Q. Uh-huh. But when you say you
6 remember it working, why would that have
7 been -- why does that lead you to say it
8 would have been done by the end of 2010
9 versus maybe you got it working by May of
10 2011?

11 A. I mean, I worked on the project.
12 I remember -- I remember this stuff
13 working. And, in particular, when we
14 started getting real handsets --

15 Q. Uh-huh.

16 A. -- which was around that
17 timeframe, we started getting real handsets
18 before the end of the year. I know that
19 the WPC stuff was working by the time we
20 got real handsets.

21 There was never a time, never,
22 when we had real handsets that the window

1 position stuff was not working. There may
2 have been a couple of glitches, but that
3 was it.

4 Q. And why is it that you remember
5 getting the real handsets by the end of
6 2010?

7 ATTORNEY PICKENS: Objection to
8 form.

9 THE WITNESS: Because there were
10 a lot of events happening in that
11 timeframe like meeting with customers
12 that I knew. And I recall those
13 meetings when Mr. Rod Schrock wanted to
14 present this device to a customer, we
15 hopped. That's why.

16 It sticks out in my mind very
17 vividly.

18 BY ATTORNEY ZEILBERGER:

19 Q. And what I want to understand is
20 why is it you remember those meetings
21 happening in 2010 versus 2011?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: It's what I
3 remember. Ask my brain. I don't think
4 it can speak without, you know --
5 without me. I don't know how else to
6 answer that question.

7 BY ATTORNEY ZEILBERGER:

8 Q. In Exhibit 2033, a little bit
9 higher than where we were just looking in
10 Column 44 -- sorry, excuse me, Row 44.

11 A. Sorry.

12 Q. The blown-up exhibit --

13 A. Sure.

14 Q. -- 2033. In Row 44 in the header
15 for WPC --

16 A. Yes.

17 Q. -- you see it says 84 percent?

18 A. Correct.

19 Q. What is that referring to?

20 A. It refers to the overall state of
21 everything that's potentially related to
22 WPC.

1 Q. And so WPC still had 16 percent
2 more to go --

3 A. Yeah.

4 Q. -- at the time of this
5 document --

6 A. There were -- there were some
7 things -- sorry.

8 ATTORNEY PICKENS: Please wait
9 until the question is finished --

10 THE WITNESS: Sorry.

11 ATTORNEY PICKENS: -- before
12 answering.

13 THE WITNESS: Yes. Yes, is the
14 answer. And I will add that those
15 things were relevant to the function of
16 WPC in terms of the phone.

17 BY ATTORNEY ZEILBERGER:

18 Q. Why do you say that?

19 A. Because they were things like
20 refactoring code, which meant that there
21 was already code in place and the code just
22 needed to be reorganized.

1 There were also other things that
2 were adjust things like smoothing an
3 animation. It has nothing to do with the
4 basic functionality.

5 Q. In Row 53 where the exhibit
6 refers to the gesture controller; do you
7 see that?

8 A. Yes, I do.

9 Q. It has a finish date of
10 January 19, 2011, correct?

11 A. Yes.

12 Q. Are there -- well, are you saying
13 that it was actually finished in December
14 of 2010?

15 A. No. It says the whole thing was
16 finished January 19, 2011.

17 Q. Right. And earlier you said that
18 the WPC functionality, at least that you
19 think is relevant, was finished in late
20 2010, so I'm trying to reconcile those.

21 A. Well, there's -- there's other
22 things here like the pinch and swap --

1 Q. Uh-huh.

2 A. -- right?

3 And the bonk and the add wave
4 enunciator that are not related to the
5 maximize and minimize.

6 WPC, there was a lot of stuff
7 involved in WPC --

8 Q. Uh-huh.

9 A. -- and it wasn't all related to
10 just the expanding and minimizing of
11 applications.

12 Q. Is there a reason why -- well,
13 let me ask a different question.

14 Are there more than one versions
15 of this spreadsheet, like, do you save a
16 version on one date and then you save
17 another version a week later?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: Yeah, so I would --
21 in the actual project --

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Uh-huh.

3 A. -- I would have been doing this
4 most likely weekly, but I'm unaware of
5 whether there's one that I could access or
6 find.

7 Q. This is the only version that was
8 shared with you?

9 ATTORNEY PICKENS: Objection to
10 form.

11 THE WITNESS: Yes.

12 BY ATTORNEY ZEILBERGER:

13 Q. Was it ever the case that you
14 thought a task was complete and then it
15 turned out it actually wasn't?

16 ATTORNEY PICKENS: Objection to
17 form.

18 THE WITNESS: I can't think of
19 one in this case. Things were tested
20 daily.

21 BY ATTORNEY ZEILBERGER:

22 Q. So you're saying on the Imerj

1 project in all the time you worked on it,
2 it was never the case that you thought a
3 task was complete and it wasn't?

4 A. I'm saying that I can't think of
5 one off the top of my head, but, I mean,
6 realistically it is -- it is possible, yes.

7 Q. Right. And I'm not asking you to
8 tell me an example of one. I'm asking
9 whether thinking about all of the tasks,
10 just generally, yes or no, did that ever
11 happen?

12 ATTORNEY PICKENS: Objection to
13 form. Speculation.

14 THE WITNESS: I can't recall a
15 time when that happened.

16 Well, there was -- actually, the
17 only one I can think of was a -- was
18 this blue wave thing, which was
19 irrelevant to the feature in question.
20 It was a blue wave that we couldn't
21 smooth out enough.

22 And whether -- I don't know. I

1 mean, it was done, done, but it was the
2 best that we could do it. So the
3 polish wasn't showing. So I don't
4 know.

5 BY ATTORNEY ZEILBERGER:

6 Q. Was there ever a time you thought
7 a task was done, but then you would get,
8 say, additional requests to modify the
9 functionality?

10 ATTORNEY PICKENS: Objection.
11 Form.

12 THE WITNESS: I can't think of
13 one off the top of my head, but I have
14 to say that they're -- on a project
15 like this, there would have been.

16 BY ATTORNEY ZEILBERGER:

17 Q. And just to make sure, I think
18 you said this already, but just to clarify,
19 when this document refers to "John V.,"
20 that is John Visosky?

21 A. That's correct.

22 Q. Turning back to your declaration.

1 A. Yep.

2 Q. Paragraph 21.

3 A. Yes, yes.

4 Q. You say that the early 2010 dev
5 kits had a single screen that simulated
6 dual screen functionality on a single
7 screen?

8 A. Correct.

9 Q. What do you mean by "simulated
10 dual screen functionality"?

11 A. I had to do some code to create a
12 gesture area --

13 Q. Uh-huh.

14 A. -- and I also had to -- well,
15 we -- the code -- the code was designed to
16 position windows -- or not windows -- or
17 activities. We'll use the Android
18 terminology -- on a single display as
19 though there were two. There's the
20 simplest way I can put it.

21 And if you look at the first dev
22 kit, you'll see that there's one display,

1 and we developed a lot of functionality on
2 that initial dev kit.

3 Q. And is what's shown on the next
4 page what you're referring to? Is that
5 initial dev kit?

6 A. Yes.

7 Q. Did you take this picture, which
8 I guess is Exhibit 2014?

9 A. I believe I did, yes. Either me
10 or Ed. You know, it was one of the two of
11 us, yes.

12 (Whereupon, Previously Marked
13 Exhibit 2014 is identified for
14 the record.)

15 BY ATTORNEY ZEILBERGER:

16 Q. And was that in the process of
17 preparing your declaration?

18 A. No. They were -- actually, I
19 believe they were sent when we were doing
20 the -- we were taking the firmware, trying
21 to find out the dates in the firmware.

22 Q. So when you were trying to get

1 the dates, you took a picture and sent it
2 to somebody?

3 A. Yes.

4 Q. And why did you do that?

5 A. Because they asked.

6 Q. And when you say "they," who are
7 you talking about?

8 A. Carmichael.

9 Q. In Paragraph 23 -- sorry. In
10 Paragraph 22, you have another picture.
11 It's on Page 11. You have two pictures --

12 A. Yes.

13 Q. -- referring to Exhibits 2015 and
14 2016, correct?

15 A. Yes.

16 (Whereupon, Previously Marked
17 Exhibit 2015 is identified for
18 the record.)

19 (Whereupon, Previously Marked
20 Exhibit 2016 is identified for
21 the record.)

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Were those pictures taken by
3 yourself or --

4 A. Either by myself or Ed.

5 Q. Same time period --

6 A. Yes --

7 Q. -- as the previous picture?

8 A. -- yes.

9 Q. And under the same -- for the
10 same reasons?

11 A. Yes.

12 Q. And is that also true for the
13 picture in Paragraph 23?

14 A. Yes.

15 Q. In Paragraph 23, you say that in
16 October-November of 2010, "We manufactured
17 EV1 prototypes and installed the Imerj
18 software I and my team had developed."

19 Do you see that?

20 A. Yes.

21 Q. Did the manufacturing and
22 software installation both occur in October

1 and November of 2010?

2 A. Could you repeat that, please? I
3 don't quite --

4 Q. Sure.

5 A. -- understand what you're getting
6 at.

7 Q. You're referring to two different
8 events, the manufacturing of the prototypes
9 and the installation of the Imerj
10 software --

11 A. Yes.

12 Q. -- correct? Is that right?

13 A. Sure, sure.

14 Q. And you're referring to a time
15 period, which is October and November --

16 A. Yes --

17 Q. -- of 2010?

18 A. -- yes.

19 Q. So what I'm asking you is whether
20 both of the events that you're talking
21 about, the manufacturing and the software
22 installation, happened within that time

1 period?

2 A. Yes. We -- we installed the
3 software many times every day.

4 Q. How long did it take to
5 manufacture the prototype?

6 A. You would have to ask Ed that.

7 Q. And when you say "we
8 manufactured," are you saying today that
9 you actually weren't involved in the
10 manufacture?

11 A. I was not involved. "We" being
12 the Imerj team or the Imerj company.

13 Q. But you were involved in the
14 software installation?

15 A. I said that we installed the
16 software many times throughout the day,
17 yes, yes. We built --

18 Q. Right.

19 A. So do you understand? I don't
20 know if you've ever been involved in a
21 software project, but you develop the
22 software, you install it, you develop it --

1 it's very iterative. So when we get
2 phones, yes, we would install the software
3 many times in a day.

4 Q. Right. But a few moments ago
5 when you were using "we," you weren't
6 necessarily talking about yourself, you
7 were talking about the Imerj --

8 A. The company.

9 Q. -- company.

10 A. Yes. Yes.

11 Q. Now I'm specifically asking about
12 the software installation.

13 Were you personally involved in
14 that?

15 A. Absolutely, at times.

16 Q. And your involvement in that, did
17 that include actually sitting there and
18 installing the software?

19 A. Depending on the circumstances,
20 yes.

21 Q. And what's your basis for saying
22 that this manufacturing and software

1 installation happened in October and
2 November of 2010?

3 A. Because I believe that's when we
4 were getting the phones. I already said
5 that previously.

6 Q. Would Flextronics have had
7 documents reflecting when the phones were
8 coming in?

9 A. Yes. They -- well, they would
10 have, yes.

11 Q. You don't sign any of those
12 documents, though, right?

13 A. Well, there is -- there is a
14 document about -- there is some information
15 about when the EV2 came in, and we already
16 had EV1s.

17 Q. Which EV -- which document are
18 you referring to?

19 A. It's a document where Rod Schrock
20 is speaking to us --

21 Q. Uh-huh.

22 A. -- saying that the EV -- EV2s are

1 getting manufactured. There's multiple
2 hundreds being manufactured. We would have
3 already had the EV1s at that point in time.

4 Do you want me to cite the -- I
5 have to find the --

6 Q. That would be great. Thank you.

7 A. I don't know how to find that
8 here.

9 Here it is. Here's one right
10 here. Rod Schrock, 2036. It says factory
11 is entering high volume EV2 builds
12 tomorrow. That's high volume. So we
13 already had a bunch at this date, and that
14 date is January 18.

15 Q. And so how does that inform you
16 that October and November of 2010 are the
17 relevant dates for the EV1?

18 A. Well, because there was
19 obviously -- you know, it's an iterative
20 process, right? I mean, we obviously had
21 EV1s prior to EV2s.

22 Q. Sure. But why not October

1 specifically or why not December? Why is
2 it that you zero down on October and
3 November of 2010?

4 A. It's just what I recall.

5 Q. You told me many times today that
6 this was 15 years ago and there's a lot you
7 don't recall --

8 A. Yeah.

9 Q. -- but you happen to recall those
10 two precise months?

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: We would have had
14 the EV1s without a question for some
15 time period prior to the EV2s. No
16 question in my mind. Because even the
17 hardware came, would be learning from
18 it, learning from it, looking at
19 issues, so on, solving issues.

20 You're not gonna make an EV1 and
21 then go directly and build EV2s. So
22 it's only logical that if you think

1 about it, that they would need some
2 time with those.

3 So just based on this, we're
4 back -- it had to be.

5 BY ATTORNEY ZEILBERGER:

6 Q. Well, you're telling me why EV1
7 had to be before EV2. You're not telling
8 me why you testified that October and
9 November of 2010 are the relevant dates for
10 the EV1.

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: I remember that.
14 That's what I remember. I remember
15 working with those devices prior to
16 Christmas that year.

17 And to be honest, it's relevant
18 anyways, because we had these dev kits.
19 We could do everything on the dev kits
20 that we needed to do.

21 BY ATTORNEY ZEILBERGER:

22 Q. I'm sorry. What do you mean by

1 "it's relevant anyways"?

2 A. Well, I don't know what -- I
3 don't know what you're digging at. You had
4 these dev kits. You could do everything on
5 those that you needed to with the software
6 anyways.

7 Q. I just want to understand.
8 You're giving very particular
9 testimony here in Paragraph 23 --

10 A. Right.

11 Q. -- and I want to understand the
12 basis for that.

13 ATTORNEY PICKENS: Objection.
14 Form.

15 THE WITNESS: That's what I
16 remember.

17 BY ATTORNEY ZEILBERGER:

18 Q. Are you confident in those two
19 months being the months that the EV1 was
20 manufactured and had software installed on
21 it?

22 A. I'm pretty confident, yes.

1 ATTORNEY PICKENS: Objection to
2 form.

3 BY ATTORNEY ZEILBERGER:

4 Q. Okay. In the picture in
5 Paragraph 23 on Page 12 of your
6 declaration --

7 A. Yes.

8 Q. -- there's what looks like
9 tape --

10 A. Yeah.

11 Q. -- on the top and the bottom.
12 Is that tape?

13 A. Yes.

14 Q. Why is this tape there?

15 A. Because they were still working
16 on getting all the electronics to fit. It
17 was the thinnest phone in the world.

18 Q. And so are you saying, like, the
19 top was separated from the bottom and you
20 kind --

21 A. Those --

22 ///

1 (Simultaneous unreportable
2 crosstalk occurs among parties.)
3 (Stenographer requests one
4 speaker at a time.)

5 BY ATTORNEY ZEILBERGER:

6 Q. Please let me finish.

7 You used the tape to make sure it
8 didn't fall apart?

9 ATTORNEY PICKENS: Objection to
10 form.

11 THE WITNESS: The displays were
12 raised off the -- off the -- I don't
13 know what you call it -- the bezel --

14 BY ATTORNEY ZEILBERGER:

15 Q. Uh-huh.

16 A. -- which was the -- it was raised
17 a bit. So they wanted to make sure that
18 the displays didn't come off, because they
19 were very expensive. And they were still
20 working on making things fit.

21 That was the EV1 like that, I
22 believe. But, again, you could talk to Ed.

1 He would tell you. He could look at those
2 and tell you exactly what that is.

3 Q. Did the EV2 have that same
4 problem?

5 A. I believe it still had it a
6 little bit, but it was massively improved.
7 It did not interfere with the functioning
8 of the phone, though.

9 Q. In Paragraph 24, you refer to the
10 EV2, correct?

11 A. Yes.

12 Q. What's the difference between the
13 EV2 and the EV1?

14 ATTORNEY PICKENS: Objection to
15 form.

16 THE WITNESS: You've got -- I
17 don't know the details except it was
18 better fit. But there were obviously
19 changes to the electronics.

20 BY ATTORNEY ZEILBERGER:

21 Q. Uh-huh.

22 A. From a software perspective,

1 there was no difference that I recall
2 except I believe there was an open and
3 close -- there was some sensor for open and
4 close that wasn't working right in EV1 that
5 was improved in EV2.

6 That's the extent of my knowledge
7 from a hardware.

8 Q. So there weren't any
9 software-related tasks that you worked on
10 between when you installed software on the
11 EV1 and when you installed software on the
12 EV2?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: Well, given that
16 the phone needed to react to -- the
17 phone did need to react to open and
18 close. It changed the state of things.
19 So, yes, there was some work related to
20 the switch of phones, the EV1 versus
21 EV2.

22 And I believe there was a kernel

1 change as well, but that wasn't
2 specifically related to the hardware.
3 That was just because we were
4 following -- we were -- trying to keep
5 pace with Google.

6 BY ATTORNEY ZEILBERGER:

7 Q. What do you mean by that?

8 A. Well, Google would come out with
9 releases. And I think just at that time
10 between EV1 and EV2, I think Google came
11 out with a new release.

12 And so -- so we had a new phone
13 and we had a new -- new Google release to
14 transition to, if I recall right.

15 Q. In Exhibit 2033 that we were
16 looking at earlier, you reference various
17 tasks with the WPC as being finished in
18 November and December and January.

19 A. Yes.

20 Q. November, December of 2010,
21 January of 2011.

22 That's after the EV1, correct?

1 A. Yes. After -- after we had EV1s,
2 yes.

3 Q. So you're saying that you just
4 didn't implement that functionality? I'm
5 confused.

6 ATTORNEY PICKENS: Objection to
7 form.

8 THE WITNESS: I'm -- I don't know
9 what -- I don't understand why you're
10 confused.

11 BY ATTORNEY ZEILBERGER:

12 Q. Well, you testified that you
13 installed the software onto the EV1 in
14 October and November of 2010.

15 Do you remember that discussion?

16 A. Yes.

17 Q. But some of the functionality,
18 according to Exhibit 2033, wasn't finished
19 until December 2010 and January 2011,
20 correct?

21 A. Okay. If you say so. Can you
22 point out -- can you point out what you're

1 referring to?

2 Q. Well, in -- where there's a
3 finished column where there are dates in
4 December of 2010 and in January of 2011 in
5 this version of the spreadsheet, correct?

6 A. Yes. But what -- what I'm
7 confused about --

8 Q. Uh-huh.

9 A. -- is that this project was being
10 developed ongoing. And the software --
11 there was very little dependent on whether
12 it was EV1 or EV2. There was -- there were
13 some minor things --

14 Q. Uh-huh.

15 A. -- but we just kept -- we kept
16 building software, and it didn't matter
17 which really -- it didn't matter which
18 version of the phone we had.

19 Q. That's what I was confused about
20 earlier, actually. Because I was asking
21 you about those October-November dates, and
22 I would have thought, just like you said,

1 that it was an iterative process --

2 A. Yes.

3 Q. -- there weren't -- October and
4 November 2010 are the dates that the EV1
5 period, and then moving on it's EV2.

6 I would have thought it's just
7 like you just said where it's iterative and
8 December 2010, you also could have been
9 installing.

10 But which is it?

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: I'm not quite sure
14 I'm getting at what you're saying. I
15 mean, we -- we just -- we kept marching
16 on as a project, and we built new stuff
17 and whatever phone we were given --

18 BY ATTORNEY ZEILBERGER:

19 Q. Uh-huh.

20 A. -- we would install our software
21 on that phone. So I'm not quite sure what
22 you're getting at, if you could please

1 explain.

2 Q. Let's go back to Paragraph 23.

3 A. Yes.

4 Q. In Paragraph 23, you say that in
5 October and November of 2010, you
6 manufactured EV1 prototypes and installed
7 the Imerj software, correct?

8 A. Yes.

9 Q. Earlier today, I asked you how do
10 you know it's those two months and not
11 December of 2010, for example. You told me
12 you were sure, you remember, it's something
13 in your mind and we can take your word for
14 it.

15 It sounds like maybe now December
16 was a date where you were installing the
17 software onto the EV1?

18 ATTORNEY PICKENS: Objection.

19 THE WITNESS: I told you already
20 that we installed the software every
21 day. It was something that was always
22 done every day, and I don't understand

1 what you're getting at.

2 ATTORNEY PICKENS: Objection to
3 form.

4 BY ATTORNEY ZEILBERGER:

5 Q. So is it fair to say that also in
6 December of 2010, you would have been
7 installing updates to the Imerj software
8 onto an EV1?

9 A. In December, yes.

10 Q. And in January of --

11 A. Yes.

12 Q. -- 2011?

13 A. Yes. Up until we got EV2s in our
14 hand.

15 Q. And --

16 A. And that was staggered.

17 Q. When did you first receive an
18 EV2?

19 A. I don't remember exactly when I
20 got an EV2.

21 Q. Could it have been January of
22 2011?

1 ATTORNEY PICKENS: Objection to
2 form.

3 THE WITNESS: It could have been.
4 BY ATTORNEY ZEILBERGER:

5 Q. Could it have been February of
6 2011?

7 ATTORNEY PICKENS: Objection.
8 Form. Foundation.

9 THE WITNESS: Off the top of my
10 head, I don't -- I don't know. It
11 could have been.

12 BY ATTORNEY ZEILBERGER:

13 Q. Could it have been March of 2011?

14 A. No. No.

15 Q. Why not?

16 A. Because the EV1s and EV2s had a
17 different connector, electrical connector
18 where if you used the electrical connector
19 from the EV1 in an EV2, you would fry it.

20 So as soon as they could, he got
21 rid of the EV1s, because they were afraid
22 that people were gonna fry the phones. So

1 they were eradicated from the premise.

2 Q. Uh-huh.

3 A. And so were their -- so were
4 their chargers. So very close to that time
5 where Mr. Schrock said we're gonna build
6 200 EV2s, and we're doing it tomorrow, it
7 would have been within that timeframe that
8 we got them.

9 Q. You mentioned how you were
10 installing software daily.

11 Is that because you were
12 constantly updating the software?

13 A. Yes.

14 Q. And until when did that process
15 occur?

16 A. Until when?

17 Q. Like, February 2011? March 2011?

18 A. Well, we were -- we kept going
19 probably for another year on doing things
20 and extending things and keeping -- every
21 time Google came up with a release, we had
22 to keep going. That wasn't ever gonna

1 stop.

2 Q. So that was until 2012?

3 A. I would say until probably 2012,
4 at least until the end of 2011, yes. Until
5 we stopped the project.

6 Q. Do you have a record of what was
7 actually installed onto either the EV1, EV2
8 or subsequent prototypes?

9 ATTORNEY PICKENS: Objection to
10 form.

11 THE WITNESS: We -- in general?

12 No, not in general, but --

13 BY ATTORNEY ZEILBERGER:

14 Q. In any sense?

15 A. In any sense, the phones that we
16 had in our office, we did get a date of --
17 again, they were updated every day.

18 Q. When you said you got a date,
19 you're talking about what you checked on
20 recently during those Zoom meetings?

21 A. That's correct.

22 Q. And where do you cite those

1 dates?

2 A. I didn't cite those dates.

3 Q. What were those dates?

4 A. I don't remember what they were.

5 Q. What year were those dates?

6 A. 2011.

7 Q. What month in 2011?

8 A. If I'm -- I don't remember
9 exactly, but I believe it was either
10 February or March 2011. I think. I hope I
11 can -- I'm saying, I don't remember
12 exactly.

13 Q. And why is it that you didn't
14 indicate in your declaration how you pulled
15 up those dates?

16 A. Because it wasn't relevant to the
17 window maximizing and minimizing, which is
18 what this is about.

19 Q. And those dates that you pulled
20 up, those would reflect the dates that the
21 software was installed onto the devices?

22 A. Last installed on the devices,

1 yes.

2 Q. When you uncovered those dates,
3 what was your process? Did you send an
4 email with those dates? Did it generate a
5 document that you took a picture of?

6 ATTORNEY PICKENS: Objection to
7 form. I caution the witness not to
8 reveal the substance of his
9 communications with any past attorney.

10 Regardless, you can answer the
11 question.

12 THE WITNESS: We did send an
13 email with those dates.

14 BY ATTORNEY ZEILBERGER:

15 Q. Who did you send an email to?

16 ATTORNEY PICKENS: Same caution.
17 If you know the name of the individual,
18 you can say the name.

19 THE WITNESS: It was someone in
20 Carmichael.

21 BY ATTORNEY ZEILBERGER:

22 Q. And was this an email with just

1 a -- that just, like, you wrote the dates,
2 or did you take pictures? Show them the
3 dates?

4 A. I believe we took pictures. I'm
5 not sure. I don't remember. Maybe both.

6 Q. This wasn't that long ago, right?

7 A. Right.

8 Q. But you don't remember?

9 A. (No verbal response.)

10 Q. Was there an EV3?

11 A. Not that I recall. There was --
12 no, there was no EV3 that I recall.

13 Q. And even -- setting aside
14 nomenclature, was there a version of the
15 hardware after the EV2 efforts --

16 A. Yes --

17 Q. -- or was the EV2 the last --

18 A. -- yes. I believe there was a
19 finished phone, a very polished, finished
20 phone with no tape.

21 Q. And when was that produced?

22 A. I don't know. You would have to

1 ask someone in hardware.

2 ATTORNEY PICKENS: Counsel, do
3 you just mind making an appearance so
4 the witness knows who you are?

5 ATTORNEY VALENTE: Sure. David
6 Valente from Paul Hastings, for
7 petitioner as well.

8 BY ATTORNEY ZEILBERGER:

9 Q. Let's go to Paragraph 26 of your
10 deposition.

11 Are you there?

12 A. Page 26?

13 Q. No. Paragraph 26.

14 A. Paragraph 26.

15 Q. Are you there?

16 A. Yes.

17 Q. You indicate at the top of
18 Page 14 in the example Imerj EV2 dual
19 screen smartphone below, the gesture
20 capture region is outlined in red.

21 Do you see that?

22 A. I do.

1 Q. And what do you mean by a
2 "gesture capture region"?

3 A. There were a set of gestures that
4 were designed to interact with the phone in
5 a way that you could either manipulate the
6 set of applications that were running or
7 manipulate the dual screen applications,
8 and there were a series of gestures that
9 were enabled in that area.

10 Q. In Paragraph 28 of your
11 declaration, you say that Imerj gesture
12 functionality could display a child
13 application page on one display and a
14 parent application page on the second
15 display and then minimize the child page
16 with the gesture?

17 A. Yes.

18 Q. Do you show anywhere in your
19 declaration that functionality being
20 implemented on either an EV1 or EV2
21 prototype?

22 ATTORNEY PICKENS: Objection to

1 form.

2 THE WITNESS: On either. So the
3 gesture functionality was not related
4 to EV1 or EV2. In fact, it was that
5 gesture functionality was available
6 even on the dev kits.

7 There's multiple -- there's
8 multiple JIRAs in here that illustrate
9 that those capabilities were working,
10 if that was your question.

11 BY ATTORNEY ZEILBERGER:

12 Q. It wasn't.

13 A. So could...

14 Q. I'm asking about -- I understand
15 you think they're not relevant, but I'm
16 asking specifically about the EV1 and
17 EV2 --

18 A. Yes.

19 Q. -- prototypes.

20 A. Yes.

21 Q. Is there anywhere in your
22 declaration that shows the gesture

1 functionality that you talk about in
2 paragraph 28 being actually implemented on
3 the EV1 or EV2 prototypes?

4 ATTORNEY PICKENS: Objection to
5 form.

6 THE WITNESS: Well, I mean,
7 that's what we -- what I don't
8 understand -- that's the phones that we
9 had, EV1 and EV2 are what we worked
10 with.

11 BY ATTORNEY ZEILBERGER:

12 Q. Uh-huh.

13 A. We tested on that every day. We
14 built it, put the software on and we used
15 it every day.

16 Is there anywhere in here that
17 specifically cites which version we were
18 on?

19 Q. Regardless of what version. I'm
20 not asking you to tell me EV1 or EV2.

21 I'm asking you to show me if
22 there's anywhere in your declaration that

1 evidences the gesture functionality that
2 you talk about running on either an EV1 or
3 EV2?

4 A. Yes, yes.

5 Q. Where?

6 ATTORNEY PICKENS: And, Counsel,
7 please let the witness answer the
8 question.

9 ATTORNEY ZEILBERGER: I didn't --
10 I've been letting him all day, Counsel.

11 THE WITNESS: So I wrote an
12 example that's -- I think it's
13 Exhibit 2062 is an example.

14 BY ATTORNEY ZEILBERGER:

15 Q. Oh, what are you reading right
16 now?

17 A. I just -- I just made a note,
18 because there was one I wanted to show.
19 Exhibit 2062. You can see that.

20 Q. Why do you say "Issues start at
21 Exhibit 2040" in your phone?

22 A. Oh, because that was the list of

1 JIRAs -- I was just trying to make it easy
2 for myself, because there was a list of
3 JIRAs in here that just cite different
4 scenarios, and there's a whole -- there's a
5 whole list of them one at a time. That's
6 it.

7 That's just the first one that I
8 could easily flip to. But that was one
9 example that I think answers your question
10 exactly. And it's -- it's the more
11 advanced capability with regard to the
12 gestures working and there's a model
13 example in there as well.

14 Do you want that? Do you want to
15 take a picture of that?

16 Q. Of what?

17 A. That. I know you're --

18 Q. I didn't -- I don't need to take
19 a picture, but I would like to see it.

20 (Pause in testimony.)

21 BY ATTORNEY ZEILBERGER:

22 Q. Thank you.

1 ATTORNEY PICKENS: Counsel, we've
2 been going about an hour if now is a
3 good time for a break.

4 THE WITNESS: If I could just
5 have one more minute. I'm just looking
6 at Exhibit 2062.

7 (Whereupon, Previously Marked
8 Exhibit 2062 is identified for
9 the record.)

10 ATTORNEY PICKENS: Not a problem.

11 ATTORNEY ZEILBERGER: We can come
12 back to this after the break. So we
13 can just take a break now.

14 THE STENOGRAPHER: Off the
15 record.

16 (Whereupon, a recess was taken at
17 2:05 p.m.)

18 BY ATTORNEY ZEILBERGER:

19 Q. Before the break, you pointed me
20 to Exhibit 2062 --

21 A. Uh-huh.

22 Q. -- do you remember that?

1 A. Yes.

2 Q. The subject of the email in
3 Exhibit 2062 says -- I'm leaving out some
4 of the initial lead-up to it, but it says,
5 "WPC: Modal view on left screen of
6 maximized dual screen application is
7 dismissed after drag operation."

8 Do you see that?

9 A. Yes.

10 Q. What is that referring to?

11 A. So the way WPC is supposed to
12 work, if you expand the application to two
13 screens --

14 Q. Uh-huh.

15 A. -- and if you interact with one
16 of the screens, that brings up a modal
17 dialogue box. And then you try to collapse
18 it or minimize the application, the modal
19 dialogue is supposed to remain in place
20 instead of dismissing it.

21 Q. And so what is the subject line
22 saying when it says that the modal view on

1 left screen of maximized dual screen
2 application is dismissed after drag
3 operation?

4 A. The -- I think what it's saying
5 is the actual modal is dismissed. The
6 modal dialogue is actually dismissed, and
7 it's not supposed to be. It's supposed to
8 remain there intact. And there's a --
9 there were a lot of rules around modality
10 and even in the parent-child.

11 And if you minimize the
12 application and you were -- you had a modal
13 dialogue up and the one side of the app
14 that was supposed to disappear, if the side
15 that was supposed to disappear and you
16 minimized it, it would actually remain --
17 remain on top and the modal would stay.

18 So the idea is you don't want to
19 do something like clear the modal from
20 the -- from the user and interfere with his
21 experience. And in this case, the modal is
22 disappearing.

1 Q. So this is describing the gesture
2 functionality not functioning as its
3 supposed to?

4 A. Well --

5 ATTORNEY PICKENS: Okay.

6 THE WITNESS: -- it's one aspect
7 of it not functioning as its supposed
8 to. What you're seeing is you can
9 maximize the application in dual screen
10 mode.

11 And my point here is look at how
12 early that date is. That's in
13 November. And we're already on the
14 more advanced aspect of that capability
15 in November.

16 So we're just -- we're just
17 futzng with minor details now in
18 November.

19 BY ATTORNEY ZEILBERGER:

20 Q. Would you --

21 A. And so you've been questioning me
22 on whether or not this stuff was working in

1 November timeframe, and there's a very good
2 example of it working. Not completely, but
3 for the most part.

4 Q. Well, Exhibit 2062 doesn't say
5 anything about it working, it's just
6 describing one scenario where it's not
7 working, correct?

8 A. Well, no. You've got to go
9 through the steps here. Look at the steps.
10 "Steps to reproduce. The device is open in
11 portrait mode. Launch one dual screen
12 application on the left screen. Maximize
13 the application."

14 So that's working --

15 Q. Uh-huh.

16 A. -- right we're maximizing.

17 Then we're interacting. We're
18 long pressing with one of the sides, and it
19 brings up a modal view and perform a drag
20 operation to close it.

21 So the application closes, but
22 the -- just the modal disappears and gets

1 dismissed.

2 Q. Uh-huh.

3 A. So in this particular case, we're
4 able to maximize and minimize, so we've got
5 most of the functionality just in this one
6 issue.

7 And that would stand for a lot of
8 issues where there's a bug, but you also
9 have to look at what is working and the
10 steps to reproduce.

11 Q. Where is this saying that you
12 have to minimize working?

13 A. Perform a drag operation towards
14 the left. That's minimizing.

15 Q. Right. It says, perform a drag
16 operation --

17 A. To the left.

18 Q. -- toward the left?

19 A. Yeah.

20 Q. But then that operation doesn't
21 work -- right? -- because --

22 A. No. The operation to minimize

1 worked --

2 ATTORNEY PICKENS: Mr. Cassar,
3 please let him finish his question.

4 BY ATTORNEY ZEILBERGER:

5 Q. This email is to record a problem
6 with that drag operation where when you
7 perform it, the modal view is dismissed
8 incorrectly, correct?

9 A. The modal -- the modal dialogue,
10 not the window, not the side of the
11 application. The application closes, but
12 the modal -- can I -- do you understand
13 what the modal is?

14 Q. I'm referring to the exhibit
15 which refers to a modal view.

16 A. Yes. But I'm asking you: Do you
17 understand what the modal is?

18 Q. What do you understand the modal
19 view to be?

20 A. So the modal view is when you --
21 when you interact -- so you expand the
22 application --

1 Q. Uh-huh.

2 A. -- right? So now you got the
3 left side and the right side up.

4 Q. Sure.

5 A. Okay. When you go to interact
6 with something, so you click on
7 [indiscernible].

8 (Stenographer requests
9 clarification and colloquy will
10 not be captured on the written
11 record.)

12 THE WITNESS: -- a data entry
13 field, for example, or click on some
14 button or something, and it brings up a
15 modal view, which is another dialogue
16 that's on top --

17 BY ATTORNEY ZEILBERGER:

18 Q. Uh-huh.

19 A. -- of the -- that's on top of
20 that view, right? So you got a little
21 dialogue box that wants input, for example,
22 okay?

1 So now we got this dialogue box
2 on top, now you're gonna minimize. So you
3 minimize, and the bug here is that little
4 dialogue box that popped up on top of the
5 one side disappears, but the minimize
6 works.

7 Otherwise they would have put the
8 minimize didn't work.

9 Q. Or that could have shown up in a
10 different bug report, correct?

11 ATTORNEY PICKENS: Objection to
12 form.

13 THE WITNESS: It would have shown
14 up here.

15 BY ATTORNEY ZEILBERGER:

16 Q. So it's your --

17 A. Because in the actual result --
18 right? -- you got expected result and
19 actual result here.

20 Expected result and actual
21 result. And the only actual result is that
22 the modal behavior during minimization --

1 modal view disappeared during dragging.

2 That's the only thing that was wrong.

3 That's the actual result.

4 Q. This email doesn't say, at least
5 expressly, that the minimize happened
6 correctly, does it?

7 ATTORNEY PICKENS: Objection to
8 form.

9 THE WITNESS: It would have said
10 it in the actual result. The only
11 issue it calls out is that the modal
12 disappeared.

13 BY ATTORNEY ZEILBERGER:

14 Q. Did you review all of the bug
15 reports to see whether there were any that
16 described problems with the minimize
17 functionality?

18 ATTORNEY PICKENS: Objection to
19 form.

20 THE WITNESS: All?

21 BY ATTORNEY ZEILBERGER:

22 Q. Yes.

1 A. I don't -- I don't have access to
2 all.

3 Q. So you reviewed the ones that
4 were provided to you --

5 A. Yes.

6 Q. -- is that fair to say?

7 A. Yes. But there's other
8 supporting documentation where I think Rod
9 Schrock, if I recall, even says that the
10 WPC is functioning well.

11 The maximize and minimize was
12 very basic stuff. And I'm certain, I'm
13 very certain -- I mean, I can bring up
14 some -- some emails from Mr. Schrock where
15 he was showing this to -- to potential
16 customers.

17 I'm very certain that if I didn't
18 have that stuff working, I would have lost
19 my job.

20 Q. Who is Fuzho Sun? He's listed
21 under one of the reports.

22 A. He was one of the QA people on

1 the project.

2 Q. Is he with Flextronics?

3 A. Yes. There are other -- there
4 are actually JIRAs. There are other JIRAs
5 where maximize and minimize is shown to
6 work. I think I can find one if you really
7 need it. And it says it explicitly.

8 Q. And which are you referring to?

9 A. If you don't mind, I think it's
10 one of the first two in the list I pointed
11 out here. I believe it's 2040 and 2041, I
12 believe. I'm just gonna check.

13 (Whereupon, Previously Marked
14 Exhibit 2040 is identified for
15 the record.)

16 (Whereupon, Previously Marked
17 Exhibit 2041 is identified for
18 the record.)

19 THE WITNESS: So 20 -- I think
20 it's just expanding 2040 and 2041. So
21 2040 is the -- 2040, I believe, is the
22 bug issue. And 2041 is closing it

1 where he agrees that there's no issue
2 here. Device is open in landscape
3 mode. Launch a dual screen application
4 on top screen. Maximize the
5 application via drag operation toward
6 the bottom.

7 And you can see the issue that
8 was initially brought up is closed, the
9 function's working.

10 BY ATTORNEY ZEILBERGER:

11 Q. Well, he says that it can't be
12 reproduced, correct?

13 A. Right. But he closed it. He was
14 satisfied that it was -- there was no
15 issue. It's not just -- so he would have
16 tested that a number of times.

17 I -- so I understand the process
18 of our bug, right? A bug gets opened, I
19 would review the bug. And I would try to
20 reproduce it.

21 Q. Uh-huh.

22 A. And I tried here to reproduce it,

1 and I said, Sun, I can't -- I can't make
2 this happen. It would get assigned back to
3 him instead of one of my guys.

4 He would then do a bunch of
5 testing again to try and reproduce it, make
6 it happen again, and he can't, so he closes
7 it. Nonissue.

8 Q. So where does this say that the
9 minimize worked?

10 A. This -- this particular one
11 doesn't say that the minimize worked. It
12 says the expansion opens. I'm just giving
13 you -- there's lots of examples of this
14 stuff working throughout here.

15 Q. Right. But I think you said you
16 had an example showing the minimize worked?

17 A. I can't think of one off the top
18 of my head right now.

19 Q. If you need to take time, please
20 do.

21 ATTORNEY PICKENS: Objection.

22 Form.

1 THE WITNESS: I have to find the
2 email from Rod Schrock.

3 BY ATTORNEY ZEILBERGER:

4 Q. That's not one of the bug
5 reports, right?

6 A. No. It's not one of the bug
7 reports, but there's an email from Rod
8 Schrock where he said he tested WPC all in
9 the capability for hours, multi-hour tests,
10 and it's functioning very well.

11 Q. Yeah. I would like to see what
12 email you're talking about, if you could
13 pull it up?

14 A. It's in this big pile of stuff
15 here.

16 (Pause for reading/reviewing.)

17 THE WITNESS: Can you not do a
18 search --

19 BY ATTORNEY ZEILBERGER:

20 Q. I was about to say I think
21 Exhibit 2038 is an email from Rod Schrock.
22 I don't know if that's the one

1 you're thinking about?

2 A. No. There's a previous one, I
3 believe.

4 Q. 2035?

5 A. I think it's this one. I think
6 it's 2037, I think.

7 (Whereupon, Previously Marked
8 Exhibit 2037 is identified for
9 the record.)

10 THE WITNESS: Yes, we conducted
11 an ad hoc multi-hour review of our
12 handsets today.

13 BY ATTORNEY ZEILBERGER:

14 Q. Which exhibit are you looking at?

15 A. 2036 -- no. Sorry. Yes, 2036.

16 (Whereupon, Previously Marked
17 Exhibit 2036 is identified for
18 the record.)

19 BY ATTORNEY ZEILBERGER:

20 Q. Where does he say that he tested
21 the WPC --

22 A. A ton of work -- a ton the of

1 work remains, but please remain

2 [indiscernible].

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

7 THE WITNESS: But it is pleasing
8 to see the visual multitasking come
9 together in fine shape.

10 Hang on, I'm not sure if this is
11 the one I meant.

12 (Pause for reading/reviewing.)

13 THE WITNESS: So here, for
14 example, we now have landscape WPC
15 working, so all apps should be
16 optimized to be verified work well in
17 this mode.

18 So he -- we've got the landscape
19 working now even. I mean, this is --

20 BY ATTORNEY ZEILBERGER:

21 Q. Where are you reading from?

22 A. This is in 2035.

1 (Whereupon, Previously Marked
2 Exhibit 2035 is identified for
3 the record.)

4 THE WITNESS: I mean, he's doing
5 reviews day after day, week after week,
6 and he's not complaining about any of
7 this stuff working.

8 There's also the Tiger team
9 report where there's explicit top 10
10 issues with WPC, and it's explicitly
11 called out. And there's only, like,
12 four -- four bugs after a month of
13 testing against WPC.

14 Tiger team's here. WPC top 10.
15 This is Exhibit 2008.

16 (Whereupon, Previously Marked
17 Exhibit 2008 is identified for
18 the record.)

19 THE WITNESS: After a month of
20 testing, we've got four issues. Those
21 are the top issues right here. If that
22 maximize and minimize wasn't working,

1 it would have been in this list.

2 There's evidence everywhere that that
3 stuff is working.

4 BY ATTORNEY ZEILBERGER:

5 Q. When was Exhibit 2008 generated?

6 A. [Speaking sotto voce].

7 That was in the -- well, you can
8 see the dates here, January -- that was
9 testing during January and February. You
10 can see the dates. The dates are right in
11 the bottom. The dates of the bugs are
12 here.

13 Q. The report was generated
14 February 22, 2011, right? You can see that
15 on Page 2?

16 A. Okay.

17 Q. Do you disagree?

18 A. Where are you seeing the date?

19 Q. Both the top and the bottom of
20 Page 2. It says generated at Tuesday,
21 February 22, 3:27 PST?

22 A. Yes, that's correct. But the

1 report was generated, but the chart here
2 goes -- starts from January. So this is
3 the whole -- this thing had been testing --
4 all the testing had been happening during
5 the duration of January and February.

6 There's no -- there's only four
7 issues for that whole duration.

8 Q. Exhibit 2008 at Page 4, it's
9 describing several WPC functionalities that
10 are open --

11 A. Yes.

12 Q. -- is that right?

13 A. Yes. But they're -- they're
14 minor issues.

15 Q. Why are they minor issues?

16 A. They're not -- first of all, they
17 don't have anything to do with your -- the
18 issue at hand, which is the maximizing and
19 minimizing, right?

20 They're minor issues relative to
21 the parent-child and maximizing and
22 minimizing. In fact, they're not even

1 related.

2 Button lit. Do not indicate that
3 the desktop has focus. That's the desktop.
4 It's just a button light.

5 Q. What about the last one, WPC
6 maximization?

7 A. This scroll -- WPC maximization
8 and scrolling graphics, the graphics is a
9 little choppy. That's just polish. That's
10 just animation stuff. That's not
11 functionality.

12 Q. This is a report generated by
13 Sirpal, correct?

14 A. This was a report generated when
15 we were doing Tiger team testing, which was
16 very focused -- very -- there were teams
17 created on specific areas to flush out
18 issues that were related to UX or related
19 to usability issues or issues with the main
20 functionality of the phone, and WPC was a
21 main and critical functionality, WPC being
22 all the windowing and gesturing and so on.

1 Q. If WPC was one of the main and
2 critical functionalities, how come none of
3 the four or five issues were resolved
4 during this time period?

5 ATTORNEY PICKENS: Objection to
6 form.

7 THE WITNESS: Because they
8 weren't. They weren't that important
9 for the -- to demonstrate the
10 maximizing and minimizing. They
11 were -- they were issues that we could
12 solve at a later time.

13 We're not gonna show -- you know,
14 for example, the desktop to a customer
15 when what we're really focusing on is
16 the maximizing and minimizing to show
17 the productivity of the applications.

18 You saw how many tasks were
19 associated with WPC in here. We have
20 four issues against it.

21 BY ATTORNEY ZEILBERGER:

22 Q. In Exhibit 2035 that you were

1 talking about a little while ago before you
2 turned away from it, can you pull that back
3 up?

4 A. Yes.

5 Q. Rod Schrock indicated, "We now
6 have landscape WPC working, so all apps
7 should be optimized and verified to work
8 well in this mode."

9 A. Yes.

10 Q. What was he talking about when he
11 was asking for "all apps to be optimized
12 and verified"?

13 A. So there was -- you have to
14 create a separation between the actual
15 phone and the apps. So there were a number
16 of apps that supported the maximizing and
17 minimizing stuff.

18 Q. Uh-huh.

19 A. And so what he's referring to is,
20 hey, guys. You know, you might have email
21 working, but let's get them all working.
22 So you have to -- you have to make a

1 separation of the phone versus the apps,
2 okay?

3 Because when you did this -- when
4 you did these maximizing and minimizing,
5 there was a bunch of work in the phone
6 itself to create the infrastructure, and
7 then there's the individual apps that had
8 to do something too, also implement that
9 capability.

10 So what he wanted to make sure
11 was that, hey, we've got the phone. The
12 phone supports all this stuff now, guys.
13 We can't just have email looking good. We
14 have to have all the apps looking good in
15 this, with this capability.

16 Q. Let's go to Paragraph 30 of your
17 declaration.

18 A. Yes.

19 Q. You quote a portion of
20 Exhibit 2034 where you say, "Paul Reeves
21 stated I understand that parent-child may
22 have been added to that -- to the

1 framework" --

2 A. Yes.

3 Q. -- correct?

4 A. Yes.

5 Q. And you end the quotation there
6 and then you say, "This timeframe would
7 have predated the EV2 release, so Paul
8 Reeves is referring to functionality on an
9 EV2 prototype"?

10 A. Yes.

11 Q. So I guess you actually -- you do
12 distinguish between the EV1 and EV2s,
13 right?

14 A. Not -- not from a software
15 perspective, but I told you there were
16 absolutely distinctions. There was
17 electrical differences.

18 We couldn't plug -- we couldn't
19 plug in an EV1 into an EV2 charger. We
20 couldn't plug an EV2 charger into a -- you
21 know, vice versa and so on.

22 So, yeah, there was a

1 distinction. And it was certainly a
2 progression. But from a software
3 perspective it didn't matter.

4 From a WPC perspective, it didn't
5 matter except for the minor things that I
6 had called out like the open and close
7 thing, I think, was the only thing that
8 didn't work quite right in the EV1.

9 Q. Is it fair to say that this isn't
10 necessarily how you would have worded
11 things if you wrote the declaration from
12 scratch?

13 ATTORNEY PICKENS: Objection to
14 form.

15 THE WITNESS: I don't know. I
16 mean -- I mean, I -- I have said I
17 didn't pen this necessarily, but it is
18 based on what I had described.

19 BY ATTORNEY ZEILBERGER:

20 Q. Right. And the reason I asked is
21 it seems like at least that sentence is a
22 little bit intention on how you view the

1 EV1 and EV2?

2 A. Uh-huh.

3 ATTORNEY PICKENS: Objection to
4 form.

5 THE WITNESS: Okay.

6 BY ATTORNEY ZEILBERGER:

7 Q. Do you disagree?

8 ATTORNEY PICKENS: Objection to
9 form.

10 THE WITNESS: I don't know what
11 you -- I guess you're entitled to your
12 opinion. I don't -- I mean, the --
13 having the different phones and the
14 progression of the phones, I think is
15 important to the story, right?

16 It's important to the story in
17 the sense that both the hardware and
18 software was progressing.

19 BY ATTORNEY ZEILBERGER:

20 Q. Let's go to Exhibit 2034 that you
21 cite here.

22 ///

1 (Whereupon, Previously Marked
2 Exhibit 2034 is identified for
3 the record.)

4 THE WITNESS: Yes.

5 BY ATTORNEY ZEILBERGER:

6 Q. You don't mention Stanley
7 Kurdziel's response in Paragraph 30,
8 correct?

9 A. Okay.

10 Q. Isn't it true that Stanley
11 Kurdziel disagreed that parent-child was
12 added to the framework --

13 A. No --

14 Q. -- he says --

15 A. -- that's not what he's saying.

16 ATTORNEY PICKENS: Mr. Cassar,
17 please let him finish his question.

18 THE WITNESS: Sorry.

19 BY ATTORNEY ZEILBERGER:

20 Q. He says "No, the sample ops and
21 documentation have not been updated,"
22 correct?

1 A. That's what he says, but you're
2 misinterpreting that, okay? Because
3 remember what I just told you, that you
4 have to draw a distinction between the
5 phone and the apps.

6 There was a whole set of apps --
7 right? -- that also had to do their
8 implementation for the dual screen stuff,
9 okay?

10 But the phone, the phone had the
11 capability, and there was an SDK associated
12 with that capability. And we provided some
13 sample apps that showed how to do it, okay?

14 But that doesn't mean that in no
15 way implies that there are no apps, first
16 of all, that was capable of doing -- making
17 use of that. It's just these sample apps
18 were -- were -- haven't been implemented to
19 make use of that capability that's on the
20 phone.

21 Do you understand the
22 distinction?

1 Q. Let's turn to Paragraph 32 of
2 your declaration.

3 You refer to something Rod
4 Schrock states in this paragraph. You
5 refer to him saying that there's a meeting
6 with a Vodafone and CPW in Europe next
7 week?

8 A. Yes.

9 Q. Do you know whether that meeting
10 ever occurred?

11 A. I believe it did.

12 Q. Why do you say that?

13 A. Because I know we were -- we --
14 after I recalled testing this, we had to do
15 some testing that was explicit to the
16 European carriers. And that's just my
17 recollection, again.

18 Because the phones had to be --
19 the phones had to be validated for specific
20 carriers in different regions. They had
21 their own, like, certification.

22 Q. Uh-huh.

1 A. And we -- we went under -- like,
2 we actually did do that testing. And
3 that's just my recollection.

4 Q. But why does that make you think
5 that the meeting -- that Rod Schrock
6 actually had the meeting with Vodafone and
7 CPW?

8 A. Because they're European
9 carriers. And I remember the meetings as
10 well. They were very important. All
11 these -- so the meetings were -- the
12 meetings were extremely important events in
13 this whole thing.

14 There's another meeting that's
15 cited in some of Rod's emails with another
16 very important carrier, and we were -- I
17 mean, these -- these were the events
18 that -- where I said earlier if the
19 things -- if WPC wasn't working when he was
20 going to these meetings, I would have lost
21 my job.

22 And these -- I'm sure these

1 meetings occurred. In fact, I went to one
2 of them not in Europe, but I went to a
3 meeting with Rod myself --

4 Q. When was that?

5 A. -- to a carrier.

6 It was in the -- within this
7 timeframe.

8 Q. What does that mean?

9 A. I don't -- I don't know the date.
10 I don't remember the date. All I can tell
11 you is that he was certainly meeting with
12 carriers in this timeframe.

13 Q. Who was present at the meeting
14 that you participated in?

15 A. Myself and Rod.

16 Q. Who -- other than you and Rod,
17 who were you meeting with?

18 A. I don't -- I don't recall the
19 name of the individual, but he was clearly
20 a high-level person at the carrier. It was
21 a U.S. carrier.

22 Q. Which U.S. carrier?

1 A. I don't remember.

2 Q. Did you have an Imerj with you at
3 that meeting?

4 A. Yes. I was there to support Rod
5 in case there were issues or something he
6 needed help with.

7 Q. Do you have any emails associated
8 with that meeting?

9 A. I don't have any.

10 Q. Did you ever?

11 A. I would have, of course.

12 Q. But you don't cite those emails,
13 correct?

14 A. I do not cite those emails.

15 Q. Did you ask for those emails?

16 A. No.

17 Q. Did you ask whether there were
18 any emails or other documents that might
19 have been available that you would have
20 wanted to cite?

21 ATTORNEY PICKENS: I'm going to
22 instruct the witness not to answer on

1 the basis of attorney-client privilege.

2 THE WITNESS: I refuse to answer.

3 BY ATTORNEY ZEILBERGER:

4 Q. In Paragraph 61 of your
5 declaration --

6 A. Yes.

7 Q. -- you state towards the end of
8 the paragraph that you reassigned JIRA
9 SSA 1567 to John Visosky on February 22 --

10 A. Yeah --

11 Q. -- 2011?

12 A. -- uh-huh.

13 Q. Why did you reassign it to John?

14 A. That was something I did every
15 day. That was part of my job. So what --
16 the way the process worked and JIRAs would
17 come in to me --

18 Q. Uh-huh.

19 A. -- and I would decide who was
20 best to work on something both based on
21 skill, experience in a particular area and
22 availability, and I would -- I would hand

1 those bugs out.

2 Q. And why did you pick John
3 specifically for that one?

4 ATTORNEY PICKENS: Objection to
5 form.

6 THE WITNESS: Let me look at
7 this. 1567.

8 Do you know what the exhibit
9 number is for that issue?

10 BY ATTORNEY ZEILBERGER:

11 Q. 2069.

12 (Whereupon, Previously Marked
13 Exhibit 2069 is identified for
14 the record.)

15 (Pause for reading/reviewing.)

16 THE WITNESS: In this case, it's
17 probably because it had something --
18 it's likely because it had something to
19 do with the WPC functionality that was
20 an action here.

21 And John, again, was -- I think
22 this was also one of the more --

1 possibly a bit of a difficult issue and
2 it involved another application.

3 I don't know why this particular
4 bug was assigned to John at that point
5 in time. I mean, I got -- had to deal
6 with thousands of these things.

7 BY ATTORNEY ZEILBERGER:

8 Q. And this was a bug with the WPC
9 functionality in February 22, 2011,
10 correct?

11 A. Yeah. But also note that it's on
12 the emulator. It's not on the phone.

13 Q. The bug report says this is
14 "100 percent reproducible even on the
15 emulator," correct?

16 A. Oh, all right. I guess. Okay.

17 Q. Did I read that incorrectly?

18 A. [Reading sotto voce].

19 Okay. Even on the emulator.

20 Yes, correct. Dial the number, phone, key
21 pad, yes. Okay. Dismiss -- dismiss the
22 [speaking sotto voce].

1 Do something with -- do something
2 with -- do some WPC --

3 ATTORNEY PICKENS: Mr. Cassar, if
4 you can slow down and speak clearly if
5 you're intending --

6 THE WITNESS: Well, I'm just
7 reading it. Do I need to be --

8 ATTORNEY PICKENS: If you say
9 something out loud, the court reporter
10 has to write it down.

11 THE WITNESS: I see.

12 ATTORNEY PICKENS: So either
13 speak slowly and enunciate or read --
14 if you're going to read out loud, speak
15 slowly and enunciate.

16 (Pause for reading/reviewing.)

17 THE WITNESS: Yes, it's
18 something -- something to do with WPC.
19 So we found a bug. Okay. There's some
20 interaction with WPC and the phone app.
21 Could be an app issue.

22 ///

1 BY ATTORNEY ZEILBERGER:

2 Q. Well, did you look into what the
3 issue was with this bug report?

4 A. Me personally? John would have
5 done that.

6 Q. No. To prepare your declaration.

7 A. I didn't -- I mean, to look into
8 what these -- each of these -- how they
9 interacted or the details of each of these
10 bug reports? I mean, I would be working
11 for the next year on this thing.

12 And to even pretend to think that
13 I could without the source code at this
14 point in time would be a -- I don't know.
15 I don't think any firm would want to -- me
16 to be doing that.

17 Q. This bug with the WPC
18 functionality doesn't show up in the top 10
19 list that you pointed me to earlier,
20 correct?

21 A. Okay. If you say so. Where is
22 the top 10 list?

1 Q. I believe it's Exhibit 2008.

2 A. It doesn't. Probably because
3 someone didn't think it was -- that the
4 issue was to do with WPC or caused by WPC,
5 however --

6 Q. Well, if we look at Page 4 of
7 Exhibit 2008, the list for WPC was
8 generated February 22 at 3:37 p.m.,
9 correct?

10 A. Yes, that's right.

11 Q. And Exhibit 2069 that we were
12 just looking at, that bug report was
13 generated at 9:37 p.m. on February 22,
14 2011, correct?

15 A. Yes.

16 Q. So is it reasonable to conclude
17 that one reason this bug might not have
18 shown up in the top 10 list is because it
19 was generated after the top 10 list was
20 generated?

21 A. Well, I suppose it could have
22 been. But, I mean, I just want to read

1 this. I'm just going to take my time and
2 read this more carefully again.

3 Q. Please do.

4 (Pause for reading/reviewing.)

5 THE WITNESS: Okay. I see why
6 it's not in the top 10. Because it's
7 on one-time setup, and airplane mode
8 has to be turned on, and the
9 outgoing -- to fail the outgoing call.
10 So it was quite a -- it was quite a
11 string of scenarios that would cause
12 the issue.

13 So one-time setup is it's when
14 you -- it's like your unboxing
15 scenario. And then you had to turn on
16 airplane mode. So an outgoing call
17 would fail. You make the outgoing
18 call, and that would -- and then you
19 had to launch the phone and expand to
20 dual.

21 So there was just a whole
22 sequence of things that needed to

1 happen. That's why it didn't make it
2 to the top 10. It was a pretty corner
3 case issue.

4 BY ATTORNEY ZEILBERGER:

5 Q. I guess I'm confused.

6 How would a bug report that
7 hadn't been generated at the time of the
8 top 10 list possibly show up on the top 10
9 list regardless of whether the bug was
10 major or very minor?

11 A. The leads, the leads would choose
12 the ones that were the top 10 issues. The
13 leads of the Tiger teams.

14 Q. But if the top list was generated
15 before the bug was even known about, before
16 the JIRA was produced, how -- how was that
17 physically possible to show up on the top
18 10 list?

19 A. No -- okay. If the report was
20 done before, obviously it's not gonna show
21 up in the top 10.

22 Q. Right. And that's why I was

1 pointing those times out to you.

2 Because on Page 4 of
3 Exhibit 2008, it says that this list was
4 generated at 3:37 p.m. whereas the JIRA in
5 Exhibit 2069 was from 9:37 p.m. that same
6 day.

7 A. Okay.

8 Q. So I don't understand how it is
9 that a bug report that's generated -- a
10 bug, a JIRA that's generated after this top
11 10 list is generated, even if it was the
12 biggest bug in the world, could show up on
13 that list?

14 A. No. Obviously it wouldn't, okay,
15 if that's what you're -- if that's what
16 you're saying.

17 What paragraph are you referring
18 to -- remind me? Go back to the paragraph
19 here, because --

20 Q. Well -- go ahead. Finish.

21 A. What paragraph are you talking
22 about here? Please remind me. I want to

1 reread that paragraph. Because I
2 thought it was -- that paragraph was just
3 talking about the sequence number of bugs
4 and how many bugs were generated in
5 between.

6 Q. Well, so earlier today you
7 testified about how there aren't very many
8 bugs listed for WPC --

9 A. Yes.

10 Q. -- in Exhibit 2008 --

11 A. Yes.

12 Q. -- and I'm circling back to that
13 testimony right now.

14 A. Okay.

15 Q. And so Exhibit 2069 --

16 A. Yes.

17 Q. -- is an example of a bug that
18 came up --

19 A. Yes.

20 Q. -- after the top 10 list?

21 A. That's right. So it came out
22 after the 10 -- but the top list, it was

1 something that was done, right? It didn't
2 stop. The top 10 list wasn't just
3 something that happened once. It was an
4 ongoing work.

5 Q. There were -- let me strike that.
6 How many bugs were there with the
7 WPC functionality after this February 22,
8 2011, top 10 list?

9 A. I don't -- I don't know the
10 total. After? I couldn't possibly tell
11 you. I mean, we kept testing and testing
12 and testing. We were testing for another
13 year.

14 Q. Is that something that you
15 investigated when preparing your
16 declaration?

17 A. How many bugs were after?

18 Q. Yes.

19 A. No, no, no.

20 ATTORNEY PICKENS: Counsel, we've
21 been going about an hour. Whenever is
22 a good time for a break.

1 ATTORNEY ZEILBERGER: Sure.

2 THE STENOGRAPHER: Off the
3 record.

4 (Whereupon, a recess was taken at
5 3:09 p.m.)

6 BY ATTORNEY ZEILBERGER:

7 Q. Do you know who Martin Gimpl is?

8 A. Martin?

9 Q. Martin Gimpl, G-i-m-p-l.

10 A. Yes.

11 Q. Who is he?

12 A. He's one of the UX designers.

13 Q. Did he work with Sanjiv Sirpal?

14 ATTORNEY PICKENS: Objection --

15 THE WITNESS: Yes, yes.

16 ATTORNEY PICKENS: -- form.

17 Scope.

18 BY ATTORNEY ZEILBERGER:

19 Q. In your role on the Imerj
20 project, do you -- did you gain an
21 understanding on which ideas Martin Gimpl
22 contributed versus which ideas Sanjiv

1 Sirpal contributed?

2 ATTORNEY PICKENS: Objection.

3 Form and scope.

4 THE WITNESS: No.

5 BY ATTORNEY ZEILBERGER:

6 Q. I am handing the witness two
7 exhibits that were already introduced
8 today, earlier today in the deposition of
9 Mr. Becze. Exhibit 1017 and 1018.

10 (Whereupon, Previously Marked
11 Exhibit 1017 is identified for
12 the record.)

13 (Whereupon, Previously Marked
14 Exhibit 1018 is identified for
15 the record.)

16 BY ATTORNEY ZEILBERGER:

17 Q. Do you recognize these documents?

18 A. I don't. That is from my web
19 page, actually. Yes. Hang on. No. This
20 one -- yes. Okay. I believe they're from
21 my web page or website. Yep.

22 Q. Starting with Exhibit 1018 --

1 A. Which is 1018?

2 Q. If you look on the bottom right,
3 you'll see a number there.

4 A. 1017 and 1018. Okay. Yes.

5 Q. Exhibit 1018, towards the top,
6 there's a box for the Imerj.

7 Do you see that?

8 A. Yes.

9 Q. And it says, "Pegmatis designed
10 and developed the world's first true
11 multitasking mobile phone" --

12 A. Yeah.

13 Q. -- "based on the Android platform
14 with Imerj"?

15 A. Yeah.

16 Q. What was Pegmatis's role in
17 developing and designing the Imerj?

18 A. Well, it wasn't actually
19 specifically Pegmatis, but the people in
20 Pegmatis were the people who did it. So we
21 put it in our portfolio.

22 Q. Mr. Sirpal is not part of

1 Pegmatis, correct?

2 A. That is correct, yes.

3 Q. So what do you mean when you say
4 that Pegmatis designed and developed the
5 Imerj?

6 A. Well, I guess within the scope of
7 our company, the people designed the
8 electronics and the -- and the software.

9 Q. If you go to Exhibit 1017.

10 A. Yes.

11 Q. Which I believe is the website
12 associated with -- if you click on "learn
13 more" in Exhibit 1018.

14 A. Okay.

15 Q. Exhibit 1017 says that, "Our
16 client is one of the largest electronics
17 manufacturing services in original design
18 manufacturing companies in the world."

19 A. Uh-huh.

20 Q. Which client are you referring
21 to?

22 ATTORNEY PICKENS: Objection.

1 Form. Scope.

2 THE WITNESS: I don't know. I
3 didn't write this page. But I suppose
4 I must be referring to Flextronics.

5 BY ATTORNEY ZEILBERGER:

6 Q. So was Flextronics a client of --

7 A. No. No --

8 Q. -- Pegmatis?

9 A. -- no.

10 Q. So why were they --

11 A. I mean, we talked -- we talked to
12 them.

13 Q. Why were they described --

14 A. But they're not directly --
15 they're not directly a client at this
16 point, no.

17 Q. Why were they described as a
18 client?

19 A. I guess whoever wrote this felt
20 that it was okay to just say that. It's a
21 mistake.

22 Q. And you said they're not a

1 client --

2 A. No.

3 Q. -- at this point in time, so they
4 were previously a client?

5 A. Well, we've talked to them on and
6 on. We do -- we still talk to them about
7 doing work for them. So we're not -- we
8 are not formally a client. We have never
9 explicitly done work for them.

10 Q. But you've wanted to do work for
11 them --

12 A. Yes.

13 Q. -- is that fair to say?

14 A. Yes.

15 Q. Under the problem in
16 Exhibit 1017, your website says, "We were
17 approached by a company that wanted to
18 evolve today's mobile phone" --

19 A. Yes.

20 Q. -- do you see that?

21 A. Yes, I do.

22 Q. Which company are you referring

1 to there?

2 ATTORNEY PICKENS: Objection to
3 form.

4 THE WITNESS: Again, we're
5 referring to Flextronics. And we're
6 referring to they approached the people
7 as opposed to the company. It's a
8 little bit, you know, I mean,
9 elaborating or exaggerating.

10 BY ATTORNEY ZEILBERGER:

11 Q. Pegmatis was not approached by
12 Flextronics --

13 A. No.

14 Q. -- to do what's described here?

15 A. No, it was not. The people were.
16 The people that -- so it's a bit of a play
17 on the people. Most of the people in our
18 company --

19 Q. Uh-huh.

20 A. -- most, not all, are formerly
21 from this project.

22 Q. Well, I guess I'm a little

1 confused about that, because I think when
2 we started this morning, it feels like a
3 long time ago, you told me that Flextronics
4 wouldn't tell you anything about the Imerj
5 when you went to work for them?

6 ATTORNEY PICKENS: Objection to
7 form.

8 THE WITNESS: That's -- that's
9 right, they wouldn't.

10 BY ATTORNEY ZEILBERGER:

11 Q. So when you say that you were on
12 an individual basis approached about
13 wanting to evolve today's mobile phone into
14 a super phone, what did you mean?

15 ATTORNEY PICKENS: Objection to
16 form.

17 THE WITNESS: I think looking
18 back on the project we're, you know,
19 exaggerating on the fact that all of
20 the people were -- a lot of the people
21 in our company worked on the phone and
22 exaggerating on the fact that we were

1 the people who actually developed it
2 and did it back then.

3 And just adding more to our
4 portfolio. Because we actually had
5 done that work. I mean, the product is
6 dead.

7 BY ATTORNEY ZEILBERGER:

8 Q. But there were people that are
9 not currently at Pegmatis who contributed
10 significantly to the Imerj, correct?

11 A. That's --

12 ATTORNEY PICKENS: Objection to
13 form.

14 THE WITNESS: That's correct.

15 BY ATTORNEY ZEILBERGER:

16 Q. Is it fair to say that at least
17 with respect to the functionality that you
18 describe in Exhibit 1017, that that
19 functionality was developed by people that
20 work for Pegmatis?

21 ATTORNEY PICKENS: Objection.
22 Form.

1 THE WITNESS: 1017, where on

2 1017? The solution here?

3 BY ATTORNEY ZEILBERGER:

4 Q. Either the solution or the
5 result.

6 A. Okay.

7 (Pause for reading/reviewing.)

8 THE WITNESS: So we -- yeah, I
9 would -- yes, just a second.

10 (Pause for reading/reviewing.)

11 THE WITNESS: So, yes, the
12 people -- could you repeat your
13 question after I've read this, please?

14 BY ATTORNEY ZEILBERGER:

15 Q. Is it fair to say that at least
16 with respect to the functionality that you
17 describe in Exhibit 1017, and I'm talking
18 about under solution and result, that that
19 functionality was developed by people that
20 work for Pegmatis?

21 A. Yes.

22 ATTORNEY PICKENS: Objection to

1 form. Scope as well.

2 ATTORNEY ZEILBERGER: Thank you
3 very much for your time, Mr. Cassar.
4 No further questions.

5 ATTORNEY PICKENS: Mr. Cassar, I
6 have a few questions.

7 EXAMINATION

8 BY ATTORNEY PICKENS:

9 Q. On your expanded version of
10 Exhibit 2033, do you recall previously
11 counsel pointed you to Line 44 related to
12 84 percent of PC tasks being complete?

13 A. Yes.

14 Q. And he asked you about the
15 remaining 16 percent, right?

16 A. Yes.

17 Q. I believe you said the remaining
18 16 percent were things that were irrelevant
19 to the operation of WPC; is that correct?

20 ATTORNEY ZEILBERGER: Objection.
21 Leading.

22 THE WITNESS: Yes.

1 ATTORNEY PICKENS: Okay. Go
2 ahead and fix that.

3 BY ATTORNEY PICKENS:

4 Q. Mr. Cassar, were the remaining
5 16 percent of things relevant to the
6 operation of WPC?

7 ATTORNEY ZEILBERGER: Objection.
8 Leading.

9 THE WITNESS: No, they are not.

10 BY ATTORNEY PICKENS:

11 Q. Why not?

12 ATTORNEY ZEILBERGER: Same
13 objection.

14 ATTORNEY PICKENS: What's leading
15 about that, by the way, Counsel?

16 ATTORNEY ZEILBERGER: It's
17 leading, Counsel.

18 THE WITNESS: Because they're
19 things, the items that were cited at
20 the time were things, like,
21 refactoring, which implies that the
22 code is already in place and that it's

1 just being reorganized for
2 maintainability purposes.

3 And there were a few other small
4 things that were things like animations
5 or working on the emulator that were
6 not related or -- directly to WPC
7 working on the phone, the base
8 functionality of WPC.

9 BY ATTORNEY PICKENS:

10 Q. Mr. Cassar, the 16 percent of
11 outstanding tasks, what were they related
12 to?

13 ATTORNEY ZEILBERGER: Objection.
14 Foundation.

15 BY ATTORNEY PICKENS:

16 Q. Mr. Cassar, you testified earlier
17 that there was 16 percent of tasks
18 outstanding, correct?

19 A. That's correct. I'm just -- can
20 I --

21 Q. I'm sorry.

22 A. -- pickle through the -- are you

1 asking me to go through the items, or are
2 you just --

3 Q. I'll restate my question,
4 Mr. Cassar.

5 Mr. Cassar, you testified
6 previously that at the time Exhibit 2033
7 was generated, 16 percent of WPC-related
8 tasks remained outstanding, right?

9 ATTORNEY ZEILBERGER: Objection.
10 Leading.

11 THE WITNESS: Yes.

12 BY ATTORNEY PICKENS:

13 Q. What did those 16 percent relate
14 to?

15 A. Code refactoring, I believe some
16 work on the emulator. And animations,
17 things -- they were all things that were
18 not directly related to the core capability
19 of WPC or the basic capability of WPC.

20 Q. Mr. Cassar do you recall
21 previously you were asked about a waiver
22 that Flextronics granted you?

1 A. Yes.

2 Q. Did anyone at Flextronics require
3 you to participate in this proceeding as a
4 condition of that waiver?

5 ATTORNEY ZEILBERGER: Objection.

6 THE WITNESS: No.

7 ATTORNEY ZEILBERGER: Leading.

8 THE WITNESS: No.

9 BY ATTORNEY PICKENS:

10 Q. I'm sorry --

11 A. No, they did not.

12 Q. Did anyone at Flextronics ask you
13 to participate in this proceeding?

14 ATTORNEY ZEILBERGER: Objection.

15 THE WITNESS: No.

16 ATTORNEY ZEILBERGER: Leading.

17 THE WITNESS: No, they did not.

18 BY ATTORNEY PICKENS:

19 Q. Did anyone at Flextronics ever at
20 any juncture imply that you would face
21 liability if you did not participate in
22 this proceeding?

1 ATTORNEY ZEILBERGER: Objection.

2 Leading.

3 THE WITNESS: No, they did not.

4 BY ATTORNEY PICKENS:

5 Q. You testified earlier that
6 Flextronics would pay certain rewards to
7 employees who applied for and obtained
8 patents, right?

9 A. We -- yes, I did.

10 May I clarify?

11 Q. You may.

12 A. Okay. We never -- we never
13 applied on our own. It was done through a
14 lawyer.

15 Q. Did you ever receive any rewards
16 from Flextronics in connection with any
17 patent you applied for?

18 ATTORNEY ZEILBERGER: Objection.

19 Leading.

20 THE WITNESS: Yes.

21 BY ATTORNEY PICKENS:

22 Q. What total -- how many rewards

1 did you receive?

2 A. I'm sorry. I don't remember.

3 But it was -- it was more than 10.

4 Q. Based on your experience in the
5 technology industry, is that kind of award
6 system common at other companies?

7 ATTORNEY ZEILBERGER: Objection.
8 Leading.

9 THE WITNESS: I would say yes,
10 based on my understanding.

11 BY ATTORNEY PICKENS:

12 Q. Are you aware of other companies
13 that utilize a patent reward system?

14 A. Yes.

15 ATTORNEY ZEILBERGER: Objection.
16 Leading.

17 BY ATTORNEY PICKENS:

18 Q. You were asked earlier about
19 certain EV1 and EV prototypes that you have
20 in your possession, right?

21 A. Yes.

22 ATTORNEY PICKENS: I have no

1 further questions.

2 (Pause in testimony.)

3 EXAMINATION

4 BY ATTORNEY ZEILBERGER:

5 Q. Mr. Cassar, do you recall earlier
6 today testifying -- I asked you:

7 "QUESTION: So what led you to
8 feel that Flextronics wanted you to get
9 involved?"

10 And you answered:

11 "ANSWER: Yeah, because in the
12 release they sent us, it said that we
13 were -- because we were cooperating, that
14 they would give us the waiver. That's why
15 I felt that" --

16 A. Right.

17 Q. -- "if I recall it was in the
18 release."

19 A. It was either in the release or
20 the email that they sent us with the
21 release. Something like that. I believe.

22 Q. And so it was either in the

1 release or in an email from Flextronics?

2 A. Yes.

3 Q. Is that release something you
4 provided to Multifold?

5 A. No.

6 Q. Is that release something you'd
7 be willing to share with us?

8 ATTORNEY PICKENS: Objection to
9 form. Objection. Lodging a discovery
10 request live during a deposition.

11 THE WITNESS: I would like to
12 consult my counsel first.

13 BY ATTORNEY ZEILBERGER:

14 Q. Okay. Do you want to do that now
15 or...

16 A. I could do it now.

17 Do I need to do that?

18 ATTORNEY PICKENS: I'm happy to
19 take a break.

20 ATTORNEY ZEILBERGER: Sure.

21 THE STENOGRAPHER: Off the
22 record.

1 (Whereupon, a recess was taken at
2 3:47 p.m.)

3 THE STENOGRAPHER: Back on the
4 record?

5 ATTORNEY ZEILBERGER: Yeah.

6 THE WITNESS: I decline to, you
7 know, go further with this during a
8 deposition. We can follow up after
9 this, if you like, and I can consult my
10 attorney.

11 ATTORNEY ZEILBERGER: Okay. I
12 have no further questions at this time.

13 ATTORNEY PICKENS: I have no
14 further questions. Thank you,
15 Mr. Cassar, for your time today.

16 THE STENOGRAPHER: Off the
17 record.

18 (Time noted: 3:50 p.m.)
19
20
21
22

1 REPORTER CERTIFICATE

2 I, Jessica R. Waack, the undersigned, do
3 hereby certify:

4
5 That RONALD CASSAR, 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.

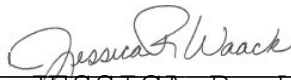
11
12 I further certify that the adverse party,
13 MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD,
14 was represented by counsel at the deposition.

15
16 I further certify that the deposition of
17 RONALD CASSAR, occurred at the offices of
18 Kasowitz LLP Paramount Plaza, 1633 Broadway
19 New York, New York 10019 on Friday, November
20 21, 2025, commencing at 9:11 a.m. and concluding
21 at 3:50 p.m.
22 (Certification continued to next page.)

REPORTER CERTIFICATE CONTINUED

I further certify that I am not related to any of the parties to this action by blood or marriage, I am not employed by or an attorney to any of the parties to this action, and that I am in no way interested, financially or otherwise, in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of November, 2025.



JESSICA R. WAACK
Registered Diplomat Reporter
Certified Realtime Reporter
California Certified Realtime Reporter
New York Realtime Court Reporter
New York Association Court Reporter
Notary Public, State of New York
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
CCR-WA (No. 21007264), CSR-CA (No. 14420)