

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

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4 _____
5 GOOGLE LLC AND MOTOROLA MOBILITY LLC,
6 Petitioners,

7 vs.

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

10 _____
11 Case IPR2025-00058

12 U.S. Patent No. 9,158,494
13 _____

14 DEPOSITION OF CHARLES EDWARD BECZE, PH.D.

15 New York, New York

16 Friday, November 21, 2025

17 9:17 a.m. EST
18

19
20 Job No.: 607181

21 Pages: 1 - 119

22 Reported by: Monique Vouthouris, CCR, RPR, CRR

1 Deposition of CHARLES EDWARD BECZE, PH.D., held
2 at the offices of:

3
4 KASOWITZ LLP

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6 1633 Broadway

7 New York, New York 10019

8 212.506.1700
9

10 Pursuant to notice, before Monique Vouthouris,
11 Certified Court Reporter, Registered Professional
12 Reporter, Certified Realtime Reporter, and Notary
13 Public in and for the States of New York and New
14 Jersey.
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A P P E A R A N C E S

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(continued on next page)

A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF PATENT OWNER MULTIFOLD
INTERNATIONAL INCORPORATED PTE. LTD,
AND THE WITNESS, CHARLES EDWARD BECZE, PH.D.:

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C O N T E N T S

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By Ms. Sewanan	114

E X H I B I T S

(Attached to transcript.)

DEPOSITION EXHIBIT		PAGE
Exhibit 1017	Page from Pegmatis website, "Innovating the next generation in mobile phone technology Imerj."	21
Exhibit 1018	Pages from Pegmatis website, "We solve complex design & development challenges."	20

1 P R O C E E D I N G S

2

3 CHARLES EDWARD BECZE, PH.D.,
4 being first duly sworn or affirmed by the Notary,
5 testifies as follows:

6 EXAMINATION

7 BY MR. VALENTE:

8 Q Good morning, Dr. Becze.

9 A Good morning.

10 Q Are you represented by counsel today?

11 A Yes.

12 Q Who is your counsel?

13 A Amanda.

14 Q Are you represented in this proceeding by
15 any other counsel?

16 A Not -- well, not present, but, yes, Robert
17 Pickens.

18 Q Okay. What about the Carmichael Law Firm,
19 do they represent you?

20 A Before, I think. I don't know how it works,
21 but, yeah, we've worked with Carmichael before, yeah.

22 Q Okay. Have you retained them as attorneys

1 for you?

2 A I don't know. Did we retain them? I have
3 no idea.

4 Q Okay. But you have worked with them?

5 A Yes.

6 Q When did you work with them?

7 A February-ish.

8 Q Okay. And what did you do with the
9 Carmichael Law Firm?

10 MS. SEWANAN: I'll caution the witness not
11 to reveal the substance of any privileged
12 communications with the Carmichael team. But you can
13 answer the question generally.

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

15 Q Yeah. So what did you do with the
16 Carmichael Law Firm?

17 MS. SEWANAN: And again, I'll caution the
18 witness not to reveal the substance of any -- the
19 contents of any privileged communications with the
20 Carmichael team. You can answer the question
21 generally.

22 A Sure. We reviewed the -- the information in

1 front of you.

2 Q Meaning the information in your declaration?

3 A That was part of it.

4 Q What other information did you review?

5 A We reviewed hardware for the Imerj. It's
6 just basically specifics around the Imerj project.

7 Q Okay. Do you know who is paying your
8 attorneys?

9 A I believe it's Multifold International.

10 Q You understand that you're here today for a
11 deposition related to U.S. Patent Number 9,158,494?

12 A Yeah.

13 Q If I refer to that today as the '494 patent,
14 will you understand what I mean?

15 A Yes.

16 Q Okay. Have you been deposed before?

17 A No.

18 Q Just a few preliminaries then.

19 Your counsel may object to my questions
20 today. But unless she instructs you not to answer
21 them on the basis of privilege, you must answer my
22 questions.

1 Do you understand?

2 A Yes.

3 Q If a question that I ask is unclear, will
4 you please let me know so that I may rephrase it?

5 A Yes.

6 Q And if you answer a question, I'm going to
7 assume that you understood it.

8 Is that fair?

9 A That's fair enough.

10 Q As the court reporter was saying before,
11 she's going to be transcribing our conversation today,
12 so please try to speak slowly enough for her to
13 capture all of your words, and answer verbally instead
14 of giving gestures which she cannot -- which she
15 cannot transcribe.

16 A I understand.

17 Q Thank you. You understand that you're under
18 oath today, right?

19 A Yes.

20 Q Is there any reason you cannot provide full,
21 truthful and accurate answers to my questions?

22 A No, I don't think so.

1 Q So today we're going to take periodic breaks
2 about once per hour. If you need a break at any point
3 in time, please just let me know and we can take a
4 break.

5 A Sure.

6 Q But if there's a question pending, I may ask
7 to finish the question or a short line of questions
8 before we break. All right?

9 A Yeah, that's fine.

10 Q What's your current occupation?

11 A I am CEO and managing partner of my own
12 company, engineering company.

13 Q Is that Pegmatis?

14 A Yes.

15 (Court Reporter clarification.)

16 A Pegmatis. Pegmatis, P-e-g-m-a-t-i-s.

17 Q You said you're a CEO and what else at
18 Pegmatis?

19 A Managing partner.

20 Q Are there any other managing partners?

21 A Yes.

22 Q Who?

1 A Ron Cassar.

2 Q And when was Pegmatis formed?

3 A December of 2016, I believe.

4 Q What does Pegmatis do?

5 A We provide engineering services, hardware,
6 software, firmware engineering services solutions for
7 our clients.

8 Q How many people work at Pegmatis?

9 A That's a good question. Around 18, 20.

10 Q Do you and Mr. Cassar manage all 18 or 20 of
11 them directly?

12 A Yes.

13 Q Does Pegmatis help companies obtain patents?

14 A Sometimes, yeah.

15 Q Would you describe Pegmatis as a consulting
16 company?

17 A No, no. Pegmatis is more of an engineering
18 execution company.

19 Q What do you mean by "engineering execution"?

20 A We -- we work with our clients to deliver on
21 requirements that they prescribe, hardware
22 requirements, software requirements, product

1 requirements.

2 Q Do you charge any of Pegmatis' clients for
3 your time on an hourly basis?

4 A Sometimes.

5 Q What is that hourly rate?

6 A It could be upwards of 2 -- sometimes 3,
7 \$400 an hour, \$225 an hour typically. Sometimes it's
8 pro bono depending on if I like them or not.

9 Q Nice view. Have you done any consulting
10 work outside of Pegmatis?

11 A No.

12 Q So stepping back a little further in time,
13 you worked for Flextronics, right?

14 A Yes.

15 Q Did you work there as an employee or a
16 contractor?

17 A Employee.

18 Q And when did you start?

19 A July of 2008.

20 Q Do you recall what your title was when you
21 started?

22 A Director of mechanical engineering, I think,

1 or director. It was a director level. I can't
2 remember exactly.

3 Q Did you hold that same title the entire time
4 you worked there?

5 A No. No. But the director level up until,
6 what, 2014 or -- yeah, 2014 or '15, and then I moved
7 to senior director. But I held the director level,
8 but I had different titles. For example, you know,
9 mechanical platform, worked for Imerj, which was still
10 a division of Flextronics, it was just a rebrand.

11 Q Okay. You worked in the mechanical area of
12 the -- for Flextronics?

13 A Mechanical, yeah, and I interacted with
14 other organizations with this, yeah. I also did, you
15 know, software provisioning for computer systems
16 working for Dell.

17 Basically, we were hired where we were
18 brought on for Flextronics because of our skill, our
19 ability to deliver on projects, it doesn't matter what
20 it was.

21 Q When you say "we," who is "we"?

22 A The team that I was with, the Burlington

1 team.

2 Q That's Burlington, Ontario?

3 A Yes.

4 Q Do you recall how many people worked in the
5 Burlington office?

6 A At what point in time?

7 Q Let's start with when you first joined
8 Flextronics.

9 A When I first joined with Flextronics, there
10 was probably 8 or 10, 8.

11 Q Okay. I take it from your prior answer that
12 number changed over time?

13 A Very much so.

14 Q Can you describe to me how it changed over
15 time?

16 A As we transitioned into the phone, the Imerj
17 project, it grew substantially. We had to.

18 Q Okay. What did Flextronics do when you
19 first joined?

20 A That's a -- can you -- can you narrow the
21 question down a little bit? Flextronics is a big
22 company.

1 Q What did you do at Flextronics when you
2 first joined?

3 A We supported their -- we were part of the
4 compute segment, if that's what you're asking, what
5 segment. Part of the compute segment. So we were
6 under Sean Burke and we handled strategic projects for
7 him, the ones that had -- had to succeed.

8 Q Do you recall the name of the group that you
9 were in when you first started working at Flextronics?

10 A I don't understand your question. Name of
11 what group?

12 Q Did you work in a group or a team when you
13 first joined Flextronics?

14 A We were typically called the Burlington
15 team.

16 Q The people that you worked with, were they
17 in a specific team within the Burlington team?

18 A I don't recall, no.

19 Q When you joined Flextronics, do you recall
20 who your immediate supervisor was?

21 A Yeah.

22 Q Who was that?

1 A It was a person named Richard Teltz.

2 Q Was Richard Teltz your supervisor the whole
3 time at Flextronics?

4 A No.

5 Q Who became your supervisor after Mr. Teltz?

6 A Lucas Clark.

7 Q And when was that?

8 A 2000 -- I don't remember the exact date, but
9 it was around the 2014 or 2015 mark. Oh, actually,
10 no, now thinking about it, no, no, no, that's
11 incorrect. I was under Richard Teltz up until the
12 Imerj project hit, then I worked under Aman Bhardwaj
13 while we were working under Imerj until it collapsed,
14 then I went back under Rich, and then I went under
15 Lucas Clark.

16 Q Thanks. And at some point you transitioned
17 to the Imerj Design Company, right?

18 A It was just by organization. I don't think
19 there was a formal sign or anything like that.

20 Q Okay. Do you know if the Imerj Design
21 Company that you reference in your declaration is the
22 same company as Imerj LLC?

1 A I would assume so. But, no, I don't know.
2 I didn't look at the -- yeah.

3 Q Yeah. Was the Imerj Design Company focused
4 specifically on the Imerj device?

5 MS. SEWANAN: Objection. Form.

6 A It was focused on -- the Imerj company was
7 focused on delivering an ecosystem, not just the
8 phone.

9 Q The ecosystem, is that the phone, the
10 tablets, and the interface with the computer?

11 A Well, no, there's a lot more to it. There's
12 the phone, the tablet, the customized apps that went
13 with the two screen paradigm. There's the tablet.
14 The -- what do you call it? -- the dock. Some
15 charger. Like, you know, all the peripheral
16 components that go in an ecosystem for a phone. But
17 it spanned everything from software to hardware to
18 bits.

19 Q Okay. You said you worked under Imerj until
20 it collapsed. What do you mean by when it collapsed?

21 A We -- the whole -- as I understood it, as it
22 was relayed to me, we were told that we had to win

1 AT&T to have a business case to justify staying, or
2 keeping the phone, or getting into that phone business
3 as an Imerj company. I don't understand why it was
4 stipulated that way.

5 We had firm sales in -- as I understood it,
6 we had firm sales in -- in Canada for Rogers. They
7 were very impressed with the phone. And as soon we
8 didn't get -- I guess we didn't make top shelf or get
9 accepted into Rogers -- or sorry, into AT&T, I thought
10 that the business case wasn't there, so they went
11 through a massive layoff, and that's what I call a
12 collapse. Lost a lot of good people there.

13 Q That's too bad.

14 Rogers, is that a Canadian phone company?

15 A Yes. It's not a phone company. It's a
16 communications company like your Comcast.

17 Q Okay. It's like the equivalent to the U.S.
18 AT&T?

19 A Yeah, if they provide -- like Rogers, they
20 actually own other companies, like smaller companies
21 like Fido or whatever. It's telecommunications and
22 television, internet, that kind of stuff.

1 Q You went back to Flextronics after the Imerj
2 collapse?

3 A So the language of "went back," we never
4 changed offices. We were reassigned under
5 Flextronics, didn't know about that, but we
6 assigned -- we were reassigned under Flextronics.

7 Q Have you ever owned an interest in
8 Flextronics?

9 A I was given RSUs.

10 Q And can you, just for the record, explain
11 what an RSU is?

12 A A restricted --

13 MS. SEWANAN: Objection to form.

14 Q I just wanted you to clarify what the
15 acronym "RSU" stands for.

16 A RSU was -- I believe it's restricted stock
17 unit that was -- that had to vest.

18 Q Did those vest?

19 A Not all of them, no.

20 Q Some vested?

21 A Some vested, yes.

22 Q Do you still own those --

1 A No.

2 Q -- RSUs?

3 A I had to get rid of them when I -- when I
4 was laid off in 2016.

5 Q Did you receive compensation for those?

6 A Small amount.

7 Q Did you ever own an interest in any of
8 Flextronics' patents?

9 A No. What does "own interest" mean? I don't
10 understand the question.

11 Q If you owned rights --

12 A No.

13 Q -- to patents.

14 A No.

15 Q Did you have rights to any proceeds that
16 would be generated from any of the patents?

17 A No. Proceeds, no, absolutely not.

18 Q Is it accurate to say that Pegmatis designed
19 and developed the Imerj phone?

20 A No.

21 Q I'm going to hand you what's been previously
22 marked as Exhibit 1018. Do you recognize this

1 document?

2 A Yes.

3 Q This is Pegmatis' website, right?

4 A Yes, it's our website.

5 Q And the top in the center, that's the Imerj
6 phone in there, right?

7 A Yes.

8 Q And then I'm going to hand you what's been
9 previously marked as Exhibit 1017.

10 A Yes.

11 Q And this is the article that we saw linked
12 on Exhibit 1018, right?

13 A Sorry?

14 Q This is the web page we saw linked on
15 Exhibit 1018 for the Imerj phone. Is that right?

16 A I don't know what the Exhibit 1018 is.

17 Q It is the one that I handed you a moment
18 ago.

19 A Well, this is -- this is our website.

20 Q Yes.

21 A I don't see where that is in the exhibits
22 here. Is it in here?

1 Q This is not in your set of exhibits.

2 A Oh, okay.

3 Q But do you recognize Exhibit 1017 --

4 A Yes, this is from our website --

5 (Court Reporter clarification.)

6 Q Do you recognize Exhibit 1017? That's the
7 one on your right.

8 A This one, yes.

9 Q And can you tell me what that is?

10 A That's a case study that we use for
11 marketing purposes.

12 Q Okay. Under "Solution" you see that it says
13 that Pegmatis designed and developed --

14 A No.

15 Q -- the Imerj phone?

16 A It says that we designed. It should be we
17 helped design. But this is for marketing purposes.

18 Q But it does say that you designed. It
19 doesn't say you helped design, right?

20 MS. SEWANAN: Objection to form.

21 A I'm going to repeat myself. Our team,
22 everyone that works in our company right now helped

1 design that with the exception of some new hirees.
2 Our core team that started Pegmatis all worked on that
3 phone.

4 Q Who's the core team that started Pegmatis?

5 A Myself and my other partners, Ron -- so
6 myself, Ron, James, Steve, and some people have left
7 Pegmatis that are no longer there.

8 Q What is James' last name?

9 A Ball.

10 Q And what is Steve's last name?

11 A Miao, M-i-a-o.

12 Q Have you ever heard of a company called
13 Multifold International?

14 A I'm sorry, can you say that again?

15 Q Yes. Have you heard of a company called
16 Multifold International?

17 A Not until this proceeding, never ever heard
18 of it.

19 Q For this proceeding do you have a contract
20 with Multifold?

21 A No.

22 Q Do you have a contract with anyone related

1 to this proceeding?

2 A A contract with anyone, no. Related to --
3 no, I don't think so, no. I don't have visibility on
4 who's involved in this proceeding.

5 Q Okay. Are you being paid for your time?

6 A Yes.

7 Q How much are you being paid?

8 A I believe we're charging for this \$500 an
9 hour.

10 Q Is that U.S. dollars or Canadian?

11 A Yes.

12 Q Yes. Do you have a contract that sets forth
13 that amount?

14 A A contract? I don't believe -- we just put
15 down our price in an email.

16 Q Okay. And who is paying you?

17 A I don't know. I think it's Kasowitz. We're
18 going to invoice Kasowitz, I think that's who we're
19 going to invoice.

20 Q How much have you invoiced to date in this
21 proceeding?

22 A On this proceeding to Kasowitz? Nothing.

1 Q How many hours have you worked?

2 A Oh, but Kasowitz, nothing.

3 Q How many hours have you worked for this
4 proceeding?

5 A On this, up until this one? What is it,
6 three -- three hours -- does that include with
7 Kasowitz or does that include just reading?

8 Q That includes everything you have done for
9 this IPR proceeding from --

10 A Okay.

11 Q -- when you first --

12 A I've had two meetings with Kasowitz at about
13 two and a half and two hours on separate days, I
14 believe on Tuesday and Wednesday. And then I spent, I
15 don't know, maybe three, four hours going over the
16 information.

17 Q What about for this IPR before preparing for
18 your deposition?

19 A That's what I meant, three, four hours,
20 three hours, four hours reading, and like I said, two
21 and a half and two -- roughly two hours with Kasowitz.

22 Q And you also prepared a declaration for this

1 proceeding, right?

2 A That was with Carmichael, I believe.

3 Q Okay. Are you invoicing Carmichael for that
4 time?

5 A We invoiced Carmichael for that time.

6 Q Okay. How much did you invoice Carmichael?

7 A I believe it was around \$10,000. I can't
8 remember the exact number.

9 Q And that would have been about 20 hours of
10 work?

11 A Actually, we charged less for that. It was
12 probably more around 30 hours. We were charging about
13 \$200, \$250 an hour, I believe.

14 Q Why are you charging more for testifying?

15 A Because it's disruptive to our business.

16 Q Do you recall how many hours you worked with
17 the Carmichael Law Firm?

18 A I'm -- I don't recall exact numbers. I
19 think it's around the 20, 30, 20 hours, 30 hours, 20
20 hours, 15. I can't remember exactly. It was quite
21 onerous. I spent a few afternoons working on it.

22 Q Will your compensation change based on the

1 outcome of this IPR?

2 A Absolutely not.

3 Q Will it change based on the outcome of any
4 other proceeding?

5 A No. I -- can you outline what you mean by
6 that question? What is this, like, am I going to get
7 money for this?

8 Q Yes.

9 A No. From who, like?

10 Q From anyone.

11 A Well, we're getting paid for our time. I'm
12 trying to be as precise as possible.

13 Q I do appreciate that.

14 A Okay. Thank you.

15 Q How did you first become involved in this
16 IPR?

17 A We got an email -- if I'm not mistaken, we
18 got an email from one of the people at Carmichael and
19 they asked if we were aware of the project and we said
20 yes.

21 Q When was that?

22 MS. SEWANAN: I'll caution the witness not

1 to reveal the substance of any privileged --

2 A The timing was --

3 MS. SEWANAN: -- communications with
4 counsel, but you can answer generally about the time.

5 A Like I said, I recall around February,
6 January, February. I can't remember. I think it was
7 January or February time frame. January.

8 Q Of this year?

9 A I believe so. It was earlier on in the year
10 and it was still cold. That's how we gauge stuff.

11 Q In Ontario isn't it cold all the time?

12 A Yes. It's eight months and then there's
13 construction, so...

14 Q Why did you agree to get involved in this
15 proceeding?

16 A That's a good question. We -- we knew --
17 because we had an idea of what they were asking, we
18 knew what they were talking about. First, we were
19 trying to be as nice as accommodating as possible and
20 then it became onerous. We didn't know if we -- if
21 they -- if we could answer their exact questions.

22 Q What do you mean by that?

1 MS. SEWANAN: I'll caution the witness not
2 to reveal the substance --

3 THE WITNESS: Yeah.

4 MS. SEWANAN: -- of any privileged --

5 THE WITNESS: Yeah.

6 MS. SEWANAN: -- communications with
7 counsel, but --

8 THE WITNESS: That's right.

9 MS. SEWANAN: -- you can answer generally.

10 A I can answer it generally. We're honorable
11 people. We're an honorable company. If we can help
12 people, we will. We'll listen to what they ask. If
13 we can't, then we respectfully bow out.

14 Q Can you elaborate on what you mean by "we
15 didn't know if we could answer their exact questions"?

16 A I mean, it's obvious. They had some
17 questions, we answered them, we said yes, we -- we
18 have information for this, we can help you.

19 Q You said before you spent some time
20 preparing for this deposition. I just want to circle
21 back to that. How many hours in total did you spend
22 preparing for this deposition?

1 A Like I said, two and a half hours one day
2 and two hours the second day.

3 Q Which day is the first day?

4 A I believe it was Tuesday.

5 Q Who did you prepare with?

6 A Robert.

7 Q Was anyone else present?

8 A Amanda was on, but muted. It was a Zoom
9 call.

10 Q Anyone else?

11 A No.

12 Q And the second day, when was that?

13 A It was Wednesday. No, I apologize, no, no,
14 no. Sorry. Today is Friday. No.

15 The first day was -- Tuesday or Wednesday.
16 I can't remember. It was either Tuesday or Wednesday.
17 And then definitely the last time I met with them was
18 yesterday, which is Thursday, because we flew out in
19 the morning, and that was with Robert and Amanda as
20 well.

21 Q Did you speak to anyone who was not an
22 attorney about this deposition?

1 A No.

2 Q Not Mr. Cassar?

3 A No. We were told to keep everything
4 separate and not discuss this.

5 Q You had mentioned you reviewed some
6 documents as well in preparation for your deposition,
7 right?

8 A Yes.

9 Q What documents did you review?

10 A It was what was given to me in this and
11 that, that's it. I have no other documentation.

12 Q Would you mind reading to me the exhibit
13 numbers in your binder that you have today just so I
14 know what you have?

15 A 2006, 2007, 2008, 2010, 2015, 2016, 2017,
16 2018, 2019, and 2020. That's it. I think it's it.

17 Q And the other binder, is that your
18 declaration?

19 A That's the declaration that was given.

20 Q Just while you have that open, that's marked
21 Exhibit 2003, correct?

22 A Where would it be -- yes.

1 Q And if you go to the last page of that,
2 that's your signature, right?

3 A Correct.

4 Q And you signed that February 27th, 2025?

5 A Correct.

6 Q Okay. Did you do anything else to prepare
7 for this deposition?

8 A No.

9 Q And you didn't review any documents other
10 than the ones you have in your binders?

11 A No.

12 Q Have you seen the transcript of Mr. Sirpal's
13 deposition?

14 A No.

15 Q Are you aware that Mr. Sirpal submitted a
16 declaration in this proceeding?

17 A Yes.

18 Q Have you ever seen that declaration?

19 A No.

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

22 A Yes.

1 Q Have you seen that declaration?

2 A No.

3 Q For your declaration, how many hours did you
4 spend preparing that?

5 A Well, you're assuming that we -- so we
6 didn't prepare this. This was done. But we had a
7 meeting with the Carmichael group where they took down
8 information from us and they prepared the declaration.
9 They gave it back to us, we read it, edited it for
10 accuracy, and then submitted it back to them.

11 Q When you say "we" there, who is "we"?

12 A We were given declarations at separate
13 times, like Ron was asked to -- to submit a
14 declaration. I was asked to submit a declaration
15 separately. So when I say -- when I collectively
16 refer to "we," it was the Carmichael -- I was working
17 with the Carmichael group.

18 Q Did you have just one meeting with the
19 Carmichael group?

20 A No. We had several meetings, actually.

21 Q Do you recall how many meetings?

22 A Not the exact number, but it was more than

1 one or two. It was more than two, I believe. It was
2 around three or -- I can't remember exact number, but
3 it was definitely multiple meetings.

4 Q Were those meetings held in person or
5 remotely?

6 A No. Virtually.

7 Q None of them were in person?

8 A With the Carmichael group, no.

9 Q In preparing your declaration, did you have
10 in-person meetings with anyone?

11 A No. Just the Carmichael group, but it was
12 virtual.

13 Q Do you recall who attended the first
14 meeting?

15 A No.

16 Q Was Mr. Cassar at the first meeting?

17 A I think he was on a Zoom call. First -- so
18 please define -- what do you mean by the first
19 meeting? First meeting of what?

20 Q So you said you had multiple meetings with
21 the Carmichael group as part of preparing the
22 declaration you signed.

1 A Oh, so no. So the meetings with the
2 Carmichael group is part of the -- I don't recall Ron
3 being there, but he was present when the Carmichael
4 group reached out at first.

5 Q Okay. So you had a call or meeting with the
6 Carmichael group that Ron was on, but that was before
7 the declarations were being prepared?

8 A Yes, yes, yes, yes, that's -- yeah, please,
9 yes. While the declarations were being prepared, I
10 believe it was one meeting and then we had -- then we,
11 between myself and Carmichael, we had a follow-up
12 meeting because I wanted to make sure that this was
13 accurate, so I had to edit it.

14 Q Okay. Did you have any meetings with
15 Mr. Sirpal in connection with this proceeding?

16 A Not with this proceeding, no. When you
17 say -- can you please define what you mean by
18 "proceeding"? The legal terminology here is a little
19 bit over me.

20 Q Yes. I mean this IPR, the legal proceeding
21 in which you submitted a declaration.

22 A So is that right from January on or --

1 Q Yes.

2 A Oh, okay. So yes, yes, then we did talk
3 with Sanj, but not about this meeting today.

4 Q Okay.

5 A The deposition.

6 Again, for the sake of precision, I ask you
7 to please define which meetings you're talking about.

8 Q So I'd like to talk about the meetings from
9 the first time the Carmichael group contacted you --

10 A Yes.

11 Q -- through the time when you submitted your
12 declaration, or you signed your declaration.

13 A Through the time -- okay. All right. So
14 that's the time frame. Okay.

15 Q Okay. So in that time frame, how many
16 meetings did you have?

17 A In that time frame?

18 Q With the Carmichael group.

19 A With the Carmichael group, it's probably
20 three or four, three. I don't know the exact number.

21 Q And at those meetings, was Mr. Sirpal ever
22 present?

1 A I can't recall if he was on one of the --
2 those were all virtual meetings. I can't recall if he
3 was on one or not. I honestly don't recall.

4 Q And for those three or four meetings, do you
5 recall if Mr. Cassar was present for any of them?

6 A Yes, yes, some of them.

7 Q How many?

8 A I don't -- some of the ones where there
9 were -- yeah, it was the exploratory meetings where
10 Carmichael was determining whether or not we could --
11 we know the product. Yeah.

12 Q In that same time period, did you discuss a
13 timeline for the development of the Imerj projects
14 with Mr. Cassar or Mr. Sirpal?

15 A Well, that didn't -- so we didn't -- that
16 didn't come out until later. But when we understood
17 what they were asking for, yes, a timeline was
18 discussed.

19 Q Who was the timeline discussed with?

20 A I believe it was just the people that you
21 were talking about; Sanj, Ron and myself. And then --
22 and then shortly -- well, yeah, Sanj, Ron and myself,

1 and then we discussed some of that.

2 Q When did that discussion occur?

3 A I don't remember.

4 Q Was that before or after you signed your
5 declaration?

6 A It was before, if I'm not mistaken.

7 Q In those meetings was counsel present?

8 A Sometimes.

9 Q Sometimes not?

10 A Yes. We had -- yeah, sometimes not, yeah.
11 I'm trying to remember who was on those meetings and
12 it's difficult, so...

13 Q Do you recall the purpose of the meetings
14 where counsel wasn't present?

15 A The purpose, no.

16 Q Do you recall what was discussed at the
17 meetings where counsel wasn't present?

18 A No, no, not everything, no.

19 Q What do you recall?

20 A Well, for which meeting are you talking
21 about?

22 Q Do you recall how many meetings you had with

1 Mr. Sirpal and Mr. Cassar that was -- when counsel was
2 not present?

3 A So we had -- so Sanj came once.

4 Q And came, you mean logged on to a virtual
5 meeting?

6 A No, no. He actually came into our
7 conference room in my physical business.

8 Q Okay.

9 A And he dropped off some phones.

10 Q At that meeting there was no counsel
11 present?

12 A No.

13 Q What was discussed at that meeting?

14 A Just we have some phones, could we possibly
15 power them up. They've been dead for 10 years, 15
16 years now, is it possible to power them up, and could
17 we -- could we log in and determine what the software
18 build dates were.

19 Q Are there any other meetings you can recall
20 with Mr. Cassar when counsel wasn't present that's
21 related to this time period we're speaking of?

22 A Yeah, just myself and Ron.

1 Q And what was the purpose of those meetings?

2 A We were working on trying to power the
3 phones up.

4 Q Did you discuss the timeline for the Imerj
5 project?

6 A When you say discuss, what is -- no, no, we
7 didn't discuss any of that. We both lived it. There
8 was no need to discuss it. Our focus was to get the
9 units powered up to see what's happening. It wasn't a
10 trivial process.

11 Q Did you get any powered up?

12 A Yes.

13 Q Did they still work?

14 A Yes, actually.

15 Do you mind if I grab another coffee or --

16 Q Yeah, that's fine.

17 A Right here.

18 Q Without telling me the substance of anything
19 that counsel said, could you tell me what the meetings
20 with yourself, Mr. Cassar, and the attorneys were
21 about?

22 MS. SEWANAN: I'll caution the witness not

1 to reveal the substance of any privileged
2 communications with counsel. But to the extent that
3 you can generally identify at a high level those
4 meetings, then please do so.

5 A Okay. So can you repeat the question?

6 Q Yes. Without telling me the substance of
7 anything counsel said, can you tell me what the
8 meetings with yourself, Mr. Cassar and the attorneys
9 were about?

10 MS. SEWANAN: And again, I'll caution the
11 witness not to reveal the substance of any privileged
12 communications with counsel, but you can generally
13 answer the question.

14 A Okay. So no talking about the substance.
15 They were basically just some of them, the preliminary
16 ones, what do we know about the Imerj project, and
17 then after they were detailed discussions.

18 Q Detailed discussions about the Imerj
19 project?

20 A Detailed discussions about --

21 MS. SEWANAN: I'll instruct the witness not
22 to answer the question on the basis of attorney-client

1 privilege.

2 THE WITNESS: Say that again? You'll
3 instruct the witness?

4 MS. SEWANAN: Not to answer the question on
5 the basis of attorney-client privilege.

6 THE WITNESS: Okay.

7 BY MR. VALENTE:

8 Q If your counsel didn't instruct you not to
9 answer, could you answer that question?

10 A Answer which question again? Sorry. I'm
11 getting confused here.

12 Q Yes. You had said that there were detailed
13 discussions --

14 A Yes.

15 Q -- I asked you detailed discussions about
16 the Imerj projects, that's the question I'm referring
17 to.

18 A Yeah.

19 MS. SEWANAN: And again, I'll instruct the
20 witness not to answer the question on the basis of
21 attorney-client privilege.

22 Q And then my question is if your attorney did

1 not instruct you not to answer that question, could
2 you answer it?

3 A Yes. Depends on what. It's a big project,
4 but I have to caveat that.

5 Q To the extent you recall, you can answer the
6 question.

7 A To the extent that I recall, to the extent
8 that I've been exposed. I told you it's a big
9 project.

10 Q And for your declaration, I believe before
11 you said that counsel prepared the declaration and you
12 revised it?

13 A Yes.

14 Q Is that accurate?

15 A I read it for accuracy, I made some --
16 actually, I don't know how you guys do it, but this is
17 pretty impressive just to generate something like that
18 just from discussions.

19 But, yeah, and then I read it for accuracy
20 and I had to edit it a little bit to make sure that
21 it's 100 percent accurate.

22 Q Did you ever share a draft of your

1 declaration with anyone who is not an attorney?

2 A No one, no.

3 MR. VALENTE: It's a few minutes early for a
4 break, but now I think is a good time in the
5 questioning to just take a quick break before I tie
6 you up. 10 minutes okay?

7 MS. SEWANAN: That's good.

8 (Recess 10:06 a.m. - 10:20 a.m.)

9 BY MR. VALENTE:

10 Q In your declaration you refer to a handful
11 of documents, right?

12 A No. I don't know. Where -- where do you
13 see in my declaration I refer to a handful of
14 documents?

15 Q Well, you cite various exhibits in your
16 declaration, right?

17 A Oh, sure, yes.

18 Q Where did you get those documents?

19 A They showed up. Some of them I made. Some
20 of them was handed to me.

21 Q So there's various photographs in your
22 declaration.

1 A Correct.

2 Q Did you take those photographs?

3 A Can you define which photographs you're
4 talking about?

5 Q Certainly. Let's take them one at a time.

6 A Sure.

7 Q In paragraph 3 you have a photograph that
8 you describe as being an example of an Imerj dual
9 screen folding smartphone?

10 A Yes, that's an example of it, yes. I don't
11 think I took that picture, though. I don't recall
12 taking that one.

13 Q Do you know who took that?

14 A I have no idea.

15 Q In paragraph 13 there's a photograph labeled
16 "Exhibit 2014."

17 A There's a photograph labeled "Exhibit 2014."

18 Q In paragraph 13, you may need to go to the
19 next page --

20 A Oh, next page. Okay.

21 Q -- that's on page 7 of your --

22 A Yeah, Exhibit 2014, correct. Wait a second.

1 It's missing. I knew it was missing. I told you
2 something was missing.

3 Anyway, sorry. Yeah.

4 Q You took that photograph?

5 A Yes, sir.

6 Q When did you take that?

7 A That was around the January time frame.

8 Q January of this year?

9 A Yes.

10 Q And in paragraph 14 there's two --

11 A Yes.

12 Q -- photographs labeled Exhibit 2015 and
13 2016?

14 A 2015 and 2016. Oh, I'm sorry. Yeah, we're
15 missing a bunch. Yeah.

16 Q Those are photos that you took as well,
17 right?

18 A Yes, sir.

19 Q Did you take those in January, too?

20 A Yes, they're at the same time.

21 Q And then in paragraph 18 on page 10 of your
22 declaration.

1 A Yes.

2 Q And that is a photo you took of an EV1?

3 A Yes, I believe. Yes. The FDS screen is
4 lifting the screen that hasn't been fully sealed yet
5 and they got the tape on it.

6 Q When did you take that picture?

7 A Same time, same day.

8 Q And paragraph 22 on page 12, there's a
9 photograph labeled "Exhibit 2018"?

10 A Yes.

11 Q And you describe that as a photo you took of
12 an EV2 smartphone?

13 A Correct.

14 Q And that's what's shown there?

15 A Yes.

16 Q Did you take that one in January as well?

17 A At the same time, correct. You can see the
18 table is the same in all of them except for the first
19 one.

20 Q Were those taken in your Pegmatis offices?

21 A Yes, in my conference room.

22 Q How is it that you came to possess the

1 devices shown in these pictures?

2 A I don't remember the specific details around
3 it. But -- so which ones are you talking about?

4 Q Let's ask collectively first and then we can
5 break it down if there's a different answer for each
6 one.

7 A Collectively there's no simple answer for
8 that.

9 Q Okay. Did you retain any of the devices
10 from the time you worked at Flextronics?

11 A Yes.

12 Q Did you retain all of these devices from the
13 time you worked at Flextronics? All devices shown in
14 the pictures we just looked at.

15 A Yes.

16 Q For the EV1 device in paragraph 18 that we
17 looked at that was on page 10 --

18 A Yes.

19 Q -- how did you come to possess that device?

20 A EV1, I don't remember how I got that exact
21 device.

22 Q What about the EV2 device shown in paragraph

1 22 on page 12?

2 A I don't remember how I got that one.

3 Q Do you know how many EV1 devices you have?

4 A Not exactly. They're in our cabinet. I
5 think maybe one or two or three. Three. Functional,
6 or are you talking functional or in various stages of
7 broken, or what are you -- what are you referring to?

8 Q Generally functional --

9 A Generally --

10 Q -- or various stages of broken.

11 A Generally, we have probably about three or
12 four, but one is the only one that would power up.
13 But you cannot get the display to work on the EVs,
14 it's just not going to happen. It's already broken
15 and I cannot seat them.

16 Q What about the EV2, how many of those do you
17 have?

18 A EV2, I think we had two, two or three. I
19 don't remember exactly. They're in a -- they're in a
20 box, it's just if anyone wants to see them, but it's
21 just collateral.

22 Q Yeah. Were you able to power any of those

1 up?

2 A The EV2s? I don't recall. Some stuff
3 powered up. I was shocked. But power up and have the
4 displays function are two totally different things.

5 Q Yeah.

6 A Okay. So just to make it clear.

7 Q Yeah. So you were not able to power up the
8 device to the point where the displays would work for
9 the EV2s?

10 A No, not if -- I don't recall if I could get
11 the displays to work on that one or not.

12 Q Do you recall if there was more than one EV
13 device of either EV1 or EV2 that were displayed --

14 A I don't recall.

15 Q Okay. Do you recall if you could get the
16 displays to work on any of the EV units that you have?

17 A I can't remember. So we -- when we have
18 devices, there's different -- there's EV1, 2, there's
19 DV, and then there's PV.

20 Q Okay.

21 A Okay.

22 Q And what does DV stand for?

1 A Design validation, design verification.

2 THE COURT REPORTER: Say that again, please.

3 THE WITNESS: Design validation -- I
4 apologize. I'm going to come closer to you. Sorry.

5 A Design validation. It's part of an ISO life
6 cycle, it's an accepted form of part development.

7 Q And what does PV stand for?

8 A It could mean one of two things, process
9 validation or product validation or verification.
10 It's validation, actually. And EV is engineering
11 verification, verifying that your -- your engineering
12 solution works. And then presumably requirements --
13 the refinement goes on. So then after the proper DV
14 phase, design validation phase, you're validating,
15 you're just making sure that it meets the
16 requirements. And then PV is for product, it's an
17 actual product.

18 Q And there were both DV and PV versions of
19 the Imerj phone?

20 A I don't recall if there's any DV, because
21 they looked almost identical to the PV. But we've had
22 some that were of that form factor with that level of

1 quality.

2 Q When you look at the front of a PV unit, how
3 can you distinguish it from an EV unit for the Imerj
4 phone?

5 A Oh, so that's not an easy question to
6 answer. There's clear differences, if you're familiar
7 with the project, there's clear differences. There's
8 form factor changes and there's some subtle details
9 around it that I could outline.

10 Q Could you tell me what those are?

11 A For example, the home button, on early EVs
12 those -- well, on EV units that button was actually
13 ground out. There's a physical grind. If you touch
14 it, there's a divot and it's ground into the glass.

15 DV unit, DV and on, none of those had them.
16 That was an ID change, an industrial design change.
17 Sorry.

18 Q Any other differences you can recall?

19 A Form factor.

20 Q Yes.

21 A Yes, form factor.

22 Q What about the form factor was different?

1 A So as we transitioned through the
2 development phase moving from EV1, EV1.1, EV2, 2.1,
3 2.2, we were constantly refining the performance of
4 the device, the durability of the device.

5 For example, the big change that went from
6 EV1X to EV2 was we grew the -- in the extraction, we
7 call it the extraction, the length of the -- of the
8 product. And we had to grow it for two reasons; one
9 was to accommodate better antenna performance, and two
10 was to increase the volume of the speaker on the left
11 side so that it had better audio performance.

12 So I -- I, the person that built every one
13 of those devices, I could tell you just by looking at
14 it which one. Not which version of X like EV1X, but I
15 could tell you the difference between EV1, EV2, DV,
16 and then DVB becomes a little bit difficult to
17 distinguish between PV unless you flip it.

18 Q Exhibit 2020 you say is a copy of your
19 invoice for flights to Link ping?

20 A Sure.

21 Q Is that correct?

22 A Yes. Yes. And that's in -- where are you

1 referring to? In the packet or in the --

2 Q You reference that in your declaration on
3 paragraph 23.

4 A Oh, in the declaration, okay. Sorry.
5 Paragraph 23?

6 Q Yes.

7 A Yup. Okay. I don't see it in here.

8 Q It's on page 12, if that helps you. I think
9 you have it there, the one underneath the Exhibit 2018
10 photograph. Prior page, middle of that paragraph.

11 A Oh, I thought you were looking for this.

12 Q Well, I was looking -- we're looking at the
13 reference to that. You reference that in this
14 paragraph --

15 A Okay. Let me see that, so...

16 Q -- the second sentence from the end.

17 A Okay. Hold on.

18 Yeah.

19 Q Presumably you collected that document for
20 this proceeding?

21 A Yes. And when you say collected, I provided
22 it.

1 Q You provided it?

2 A Yes.

3 Q Yes. Did you provide any -- let me start
4 that over.

5 Other than the photographs you took and that
6 Exhibit 2020 invoice, did you provide any other
7 documents --

8 A There's another invoice, there should be
9 another --

10 (Court Reporter clarification.)

11 Q -- that you cite in your declaration?

12 A There should be two travel invoices, yeah.

13 Q Other than the two travel invoices and the
14 photographs that you took, did you provide copies of
15 any of the other exhibits cited in your declaration?

16 A I don't believe so.

17 Q Those were provided to you?

18 A Yes.

19 Q Do you know where they came from?

20 A No idea. I have no idea who provided them.

21 Q Okay. Who provided them to you?

22 A I don't recall. I think it might have been

1 Carmichael. I don't know who from Carmichael, though.
2 I'm going to call Carmichael the group because I don't
3 -- I can't remember who. We did -- we did work with
4 James and then somebody else, but I can't remember his
5 name.

6 Q In paragraph 7 of your declaration, this is
7 on page 4, you reference Exhibit 2006. Do you see
8 that?

9 A Yeah. Yes.

10 Q Had you seen Exhibit 2006 before it was
11 provided to you for this proceeding?

12 A Not that one, no. I've seen documents like
13 that during the project, but not that -- I don't
14 recall seeing that one. I may have seen it, may not.
15 I don't know.

16 Q Was the first time you saw that document
17 before you saw a draft of your declaration?

18 A I believe so. I don't recall. No, it
19 had -- no, it had to have been before, yeah. No.
20 Yeah.

21 Q And if you look at paragraph 28 of your
22 declaration on page 13, do you see that you reference

1 Exhibit 2007 in that paragraph?

2 A Can you say that again, please?

3 Q Certainly. If you look at paragraph 28 on
4 page 13 of your declaration --

5 A Yup.

6 Q -- you see that you reference Exhibit 2007
7 in that paragraph?

8 A Yes.

9 Q Is that also a document that was provided to
10 you for this proceeding?

11 A Yes. Yes.

12 Q Do you recall who provided that to you?

13 A I don't recall who provided that.

14 Q Do you recall when it was provided to you?

15 A It was around the January time frame, if I'm
16 not mistaken.

17 Q And that would have been before --

18 A Yeah, so we're going to go under the
19 assumption this was created in a day. I do not know
20 if they were working on it from the second we started
21 talking to them or -- I have no idea. So I'm going to
22 assume that it was completed in a day.

1 Q Did you see Exhibit 2007 before you saw a
2 draft of your declaration?

3 A Did you see -- before I saw the -- before I
4 saw a copy of my declaration?

5 Q The first draft of your declaration.

6 A Yes, yes, I would have seen that.

7 Q And while you were working at Flextronics,
8 did you ever see Exhibit 2007?

9 A Possibly, but I can't say. I've seen
10 thousands of documents while working at Flex.

11 Q Paragraph 30 of your declaration, this is on
12 page 14, you reference Exhibit 2008 in that paragraph.
13 Do you see that?

14 A Yes.

15 Q Is that also a document that was provided to
16 you in this proceeding?

17 A Yes.

18 Q Did you ever see Exhibit 2008 while you
19 worked at Flextronics?

20 A No. That was a different team. Let me
21 check here. Hopefully it's in here. 2008. I've seen
22 documents like this, but while I was at Flex or --

1 Q Yes.

2 A I've seen documents like this. Maybe not
3 this exact one. We had similar formats for hardware
4 as well.

5 Q Okay. In paragraph 4 of your declaration
6 you mention managing analytical and design groups --

7 A Yes.

8 Q -- in the first sentence?

9 A Yes. What -- paragraph 4?

10 Q Paragraph 4, page 2.

11 A Yes.

12 Q What are those groups?

13 A Can you -- can you rephrase your question so
14 I understand it?

15 Q Yes. Do the analytical and design groups
16 you reference in paragraph 4 have names?

17 A They don't have names. They were just
18 people with specific skill sets that were doing
19 various functions for me.

20 Q In paragraph 6 of your declaration, this is
21 on page 3, the first sentence starts, "The gesture
22 functionality implemented in the Imerj smartphone was

1 defined by Sanjiv Sirpal."

2 Do you see that?

3 A Yes.

4 Q What do you mean "defined by"?

5 A Sanj was our lead UX designer and architect,
6 whatever you want to call him. He basically drove the
7 user experience architecture. I had to work closely
8 with Sanj -- he's a very good friend of mine. I had
9 to work very closely with him on some -- on many
10 aspects of the project.

11 Q You say in this paragraph, "Sanjiv was
12 responsible for coming up with the concept of
13 minimizing and maximizing apps in dual portrait mode."

14 Do you see that?

15 A Yes.

16 Q What do you mean by "responsible for"?

17 A Sanjiv, as far as I'm aware, Sanj was the
18 one that invented it or came up with it. He defined
19 it I think the way it's supposed to work.

20 Q What's the basis for you understanding that
21 he invented this?

22 A Because I know Sanj. I think when we

1 were -- because periodically we'd have to sit down and
2 go over the way he sees the hardware has to perform.

3 So, for example, when you rotate something
4 or like the gestures, the hardware platform has to
5 complement that. So he was -- I'm assuming that he
6 was the one that -- because he was the one defining
7 it, he knew the most about it.

8 Q In paragraph 7, this is one that refers to
9 Exhibit 2006. You recall we looked at that briefly
10 before?

11 A Yes.

12 Q You note in this paragraph that the exhibit
13 titled "UX Foundation Overview" of 2006 was authored
14 by Mr. Sirpal, right?

15 A Can you -- can you be -- can you say that
16 again, please, so I can hear it?

17 Q Yes. In this paragraph you state that
18 Exhibit 2006 titled "UX Foundation Overview" was
19 authored by Mr. Sirpal, right?

20 A Yes.

21 Q Okay. And then in the next paragraph you
22 state, "This document confirms my recollection that

1 Sanjiv came up with the idea for the gesture
2 functionality issue here."

3 Do you see that?

4 A Yes.

5 Q Do you have a basis outside of Exhibit 2006
6 for believing that Sanjiv came up with the idea for
7 the gesture functionality at issue?

8 A Just experience with Sanj. I've worked with
9 Sanj. He was the one that could articulate I would
10 say almost all of the UX requirements to the hardware
11 team. In fact, he was the one that defined
12 specifications for the UX requirements.

13 I'll give you an example. The phone, it had
14 to open -- he wanted it to open at exactly 30 degrees
15 and when the display came on, so we had to figure out
16 how to do that. And that was all defined by Sanj. At
17 least he was the one that came over and said this is
18 what it has to do, and I'd yell at him.

19 Q Is the fact that Mr. Sirpal's name is on
20 Exhibit 2006 what confirms your recollection that he
21 came up with the idea for the gesture functionality?

22 A No, it's got nothing to do with his name. I

1 know he led the team and I know Sanj's personality.
2 I've worked with him on through multiple companies,
3 multiple situations. He drives the show.

4 I'll put it to you this way. If somebody
5 put that in front of me and there was no name on it, I
6 could tell you exactly that that was Sanj's work.

7 Q What if somebody else's name was on it?

8 A I would question it.

9 Q Question the accuracy of the document?

10 MS. SEWANAN: Objection to the form.

11 A I'd question not the accuracy of the
12 document. I'd question who authored it.

13 I'll give you an example. I didn't know,
14 but Sanj actually started working for a company called
15 Enteligent. I looked up the Enteligent website, I saw
16 some of the industrial design. I knew immediately it
17 was Sanj. I called him, I said, are you working for
18 these guys? Because I see your work there. And it
19 was true, he joined, and I had no idea.

20 Industrial designers, UX designers, talented
21 people have a very specific language. If you're in
22 the hardware space, you can see it. You can see it.

1 If you're observable or if you're -- if you're
2 observant, you can see it.

3 Q If someone else on Mr. Sirpal's team came up
4 with the idea for the gesture functionality and
5 Mr. Sirpal wrote the specification for it, would you
6 have any basis to know?

7 A I wouldn't know --

8 MS. SEWANAN: Objection to form.

9 A Yeah, I wouldn't know. I wouldn't know if
10 that would be true -- I could almost guarantee that
11 Sanj would have an input into it. But, yeah, I
12 wouldn't know who -- who would write stuff like that.

13 Q The end of paragraph 8 you state, "My
14 recollection is that Sanjiv's idea for each of these
15 functions was conceived significantly earlier than the
16 date on the documents."

17 Do you see that?

18 A Yes.

19 Q And that date you're referring to is
20 November 18th, 2010?

21 A Correct.

22 Q What is the basis for that recollection?

1 A What is the -- so I don't understand. Are
2 you questioning that November 18th or why I believe
3 this was done long before?

4 Q Why do you believe it was done long before
5 November 18th?

6 A Okay. So November 18th represents the UI --
7 the UI/UX foundation. I know because, you know, I was
8 part of the senior team on the project. We were
9 sitting in the status meetings. I know it took a long
10 time to develop that. It's a big document, it's a lot
11 of thought goes into that.

12 So the fact that he published this on the
13 18th, that would have been done much, much, much
14 earlier. And we did have periodic meetings as the
15 senior staff on who's making progress and not during
16 the average project.

17 Q Do you know when the idea --

18 A No.

19 Q -- for the functions was first conceived?

20 A No, no, the exact date I have no idea. I
21 know they were much earlier on. They were probably
22 conceived my guess would be around the end of 2009,

1 probably early 2010 time frame, because we had to
2 develop those dev kits that I referred to, those are
3 vintage '09 and later until we actually had EVs.

4 Q Okay.

5 A So these were platform -- and they're not
6 cheap. These were, if I'm not mistaken, they were
7 around 15 to 20,000 each, they were not cheap. So to
8 supply your developers went through a lot of money.
9 So we didn't do it just because we wanted to do it.
10 So that's why -- and it was there to start developing
11 the code for what the UI/UX people wanted to do -- or
12 wanted to deliver, sorry.

13 For example, the early one, this was a
14 single screen device. This is on a free scale
15 platform. It's a free scale dev kit. This is 2009.
16 We had to emulate two screens on a single screen
17 there.

18 Then we, as you can see -- well, these are
19 different vintages, but it should have been flipped.
20 But some actually had the ability to rotate. So you
21 can see over here this thing, I can show you it
22 rotates. This one is actually flat. So this one was

1 more for -- I'm assuming people that had to deal with
2 the -- that aspect of the code had to have this one,
3 and then other people that were dealing just with
4 interface had to have these ones. These ones were
5 significantly more expensive.

6 And by the way, there's a subtle difference.
7 This one, as I mentioned, this was on free scale.
8 These ones actually transitioned off more to OMAP now,
9 TI OMAP, the Texas Instruments OMAP, the 4430.

10 You can see this one actually emulates the
11 outline of the right -- right display, the right
12 screen. This one is close, but this one is -- so you
13 can see the transition, so there was a shift in
14 processer; we had to.

15 Q Got it. Thanks.

16 In paragraph 9 of your declaration you
17 discuss the gesture strip. Do you see that?

18 A Yes. Yes.

19 Q The gesture strip is depicted at the top of
20 paragraph 5 by the dashed-out lines. Is that right?
21 Or, sorry, the top of page 5.

22 A The top of page 5, the top of paragraph 10.

1 It's on page 5, yes.

2 Q That gesture strip is not on either of the
3 displays, right?

4 A Can you phrase that question -- that gesture
5 strip?

6 Q Yes. There are displays which I believe you
7 see the top of at the --

8 A Oh, okay.

9 Q -- the bottom of the --

10 A So you're -- you're referring to -- just for
11 clarity, not this whole thing is the display, just the
12 visible display.

13 Q The part that displays something to a
14 user --

15 A Okay.

16 Q -- is the display?

17 A Yeah, actually. Okay.

18 MS. SEWANAN: Objection to the form.

19 A Okay.

20 Q So with that understanding of display, the
21 gesture strip is not part of either display, right?

22 MS. SEWANAN: Objection to form.

1 A Yeah, so the -- so the gesture is just like
2 the -- that strip is just like the whole display, it
3 goes down -- it has the same ITO layer on it, has the
4 same capacitive touch. Everything is there.

5 I think what that's showing there is this
6 could be the area -- we called it the off-screen
7 gesturing area. It was designed to be a convenient
8 location to put -- because one of the things I think
9 the -- we tried to make the phone as easy to use as
10 possible. So that -- that was a large piece of real
11 estate. We figured that could be a good area to put
12 gestures in. But it certainly wasn't confined to that
13 area. You could put your finger elsewhere -- well,
14 lower, or it didn't have to be in that area.

15 Q That gesture strip shown in the excerpts in
16 paragraph 9 of your declaration --

17 A Yes.

18 Q -- that's not part of either display, right?

19 A Well, this is -- no, I think it's just -- I
20 think what that's showing is, is that's going to be an
21 area set aside for gesture strip. At least that's
22 what I know.

1 There was nothing different between the top
2 of the display and -- or the top of the screen --
3 whatever. And in your language I'll use display is
4 what visibly displays something and I'll use screen as
5 the entire thing. There's -- there's no difference
6 other than the fact that the display -- there was a
7 piece of display underneath it.

8 But the top layer, the covered glass and the
9 gorilla glass, it's all the same. ITO has the same
10 capacitive touch. There's nothing physically
11 different about it. It's just a software-defined
12 area. I don't know how they defined it, but it's a
13 software-defined area.

14 Q When you say it's a software-defined area,
15 are you referring to the area in the dashed box?

16 A I'm referring to any area on the -- on the
17 display. But, yeah, the dashed box could be part of
18 it. I'm sorry. Any area on the screen.

19 I don't -- can you -- I don't understand
20 what you're asking about that. Maybe I'm not -- maybe
21 I'm not making myself clear enough. Can you -- can
22 you define what you're asking? Is it a physical part?

1 Like is it a physical aspect of it? Or --

2 Q Yes. I think give me one moment here. Do
3 you have a copy of Exhibit 1001?

4 A 1001?

5 Q Yes.

6 MS. SEWANAN: No, he would not have a copy.

7 Q Okay.

8 A I don't think so.

9 Q I'm going to hand you what's been previously
10 marked as Exhibit 1001.

11 A What is that?

12 Q That's the '494 patent, just to help us have
13 some common terminology here.

14 A Sure.

15 Q Give me one moment, please.

16 So if you can turn to column 3, which is on
17 page 56 --

18 A Yeah.

19 Q -- at lines 57 to 60 it states, "The term
20 screen, touch screen or touch screen" --

21 A You said column 3?

22 Q Yes.

1 A Where is 50 --

2 Q 56. The line numbers are in the middle.

3 A Yeah.

4 Q So line 56 and 57 --

5 A Oh, okay. On the left side.

6 Q On the left side.

7 A Okay. "The term touch screen or touch
8 screen refers to a physical structure." Yeah, the
9 touch screen, okay. Yeah.

10 Q So the understanding of screen that I'm
11 using --

12 A Yeah.

13 Q -- is what's written there.

14 A Okay. It's the whole thing, that's the
15 screen.

16 Q And then in column 4, lines 22 to 23, you
17 see it says, "The term --

18 A "Display." Okay.

19 Q -- "display refers to a portion of one or
20 more screens."

21 A Okay. You display to the output of -- okay.
22 Excellent. Okay. Yes.

1 Q Yes. So that's the terminology I would like
2 to use --

3 A Okay. That's fine. That's fine.

4 Q -- if that works for you.

5 So with that understanding, is the gesture
6 capture bar in the dashed box part of any display?

7 A Is it part of any display? The way it's
8 written here?

9 Q Yes.

10 A It doesn't look like it. But that's --
11 that's not what that was for. The way it's written
12 here, it looks like it's off.

13 Q Yeah, so it's the way it's drawn there --

14 A The way it's drawn it's not --

15 MS. SEWANAN: Objection to form.

16 A Say that again.

17 Q Yes. The way it's drawn in the excerpts in
18 paragraph 9 of your declaration, the gesture capture
19 bar is not --

20 A Yeah.

21 Q -- shown as part of either display?

22 MS. SEWANAN: Objection to form.

1 A The way it's -- it's presented here, it
2 certainly looks like it's not part of the display.
3 But that doesn't mean it can't be over the display.

4 Q Okay. Do you know who Mohammed Selim is?

5 A Who?

6 Q Mohammed Selim? You might know him as Mo
7 Selim.

8 A Oh, Mo Selim. Mo Selim, yeah.

9 Q Are you aware of him coming up with any of
10 the --

11 A No.

12 Q -- functionality?

13 MS. SEWANAN: Objection to form.

14 A Sorry. That's the first time I've seen
15 that. You can keep it.

16 Q Just to be clear, that's the first time
17 you've seen the '494 patent?

18 A Yes.

19 Q If you go to paragraph 22 of your
20 declaration, that's on page 11. Just let me know when
21 you're there, please.

22 A 22 --

1 Q Paragraph 22 on page 11.

2 A Okay. Sorry.

3 Q About halfway down in that paragraph you
4 state that "There was no functional difference between
5 EV1 and subsequent EV builds from a software
6 perspective."

7 Can you elaborate on what you mean by that?

8 A When we were provisioning software, so what
9 I mean by a functional difference is that we didn't
10 put anything radically different on there, right.
11 Like, we weren't accommodating three screens or five
12 screens or something crazy.

13 The basic functionality stayed fairly
14 constant throughout the development process because
15 we -- we were doing multiple builds. Like the builds
16 were happening, we'd build one, we'd find issues, send
17 back. The team would start repair -- like fixing
18 issues, and then getting it manufactured and sending
19 it for a new -- a new build, and so on and so forth.

20 And they had -- we had to maintain an
21 element of continuity for what we flashed onto the
22 devices at the factory. And it was a prototype

1 factory, it was a pilot factory. It wasn't like a big
2 factory in Dongming.

3 (Court Reporter clarification.)

4 A Dongming, China, Dongming.

5 Q When you use the term "build" there, you're
6 referring to a physical build?

7 A When I refer to a build here, yeah, it's
8 ambiguous -- sometimes a build is, I guess you define
9 it as a manufactured product at a particular point in
10 time. So that build is -- it's a release in time.

11 So when we -- when we do -- in the
12 engineering world, when you're doing your CAD
13 documentation, or whatever, and you release something
14 for prototyping or whatever, usually it's one of the
15 documents will have to have some form of indication
16 what build number it is or what -- what version it is,
17 so that when you build it -- sorry, when you assemble
18 it and you're testing it, you can correlate that to,
19 okay, what did I do, you know what I mean, it's
20 correlated to which -- which engineering exercise this
21 thing communicates with or talks to or -- or
22 complements. So in this context the build would be --

1 it would be assembly, in this context it's assembly
2 builds.

3 Q And some of those builds would have had
4 different software versions on them?

5 A No. They would -- they might, actually,
6 they might. They might. But it was test software.

7 So there's different types of software that
8 we had to provision in the factory; there's the test
9 software and then there's the final software that went
10 on the actual device. I don't know if that was
11 common. I have no idea what they flashed on at the
12 end. All I knew is it worked and I didn't have time
13 to go in and understand what was going on.

14 But the manufacturing test software, you
15 have to understand there's a completely -- that's --
16 that's a subtle nuance. The manufacturing test
17 software had to definitely change for the different
18 hardware builds.

19 Q What's the manufacturing test software?

20 A It's software that you develop for testing
21 the hardware. So, for example, if I -- if I make a
22 circuit board and I've got some processors on it or

1 whatever, and I've got let's say a USB, a USB output,
2 okay, I usually will have a microcontroller
3 controlling that.

4 So I'll have to flash some firmware that
5 very quickly tests, I'll plug something into that USB
6 jack, that will probably be a reroute, like I'll short
7 something and I'll send a signal, like, we'll right
8 test software that will systematically run through
9 each subsystem and validate does the hardware work.
10 So did you get your traces right, did you get your
11 impedance correct, you have all you -- you know, are
12 all the pins connected properly. So it's software
13 that's designed to test the hardware.

14 Sorry, I don't mean like to run through, you
15 know, make it a lecture, but it's -- it's what we used
16 to do.

17 Q I appreciate that because I would have asked
18 you a bunch of follow-up questions if you had given me
19 a shorter answer.

20 A Okay.

21 Q So when you refer to the final software that
22 went on the actual device, by that you mean the

1 software that actually runs the device itself?

2 A Yes, correct. So that's -- that's the one
3 that you'll see, the final software is what -- so we
4 had software to test board level. We had software to
5 test displays. We had software to test the baseband
6 RF. We had software to test the display drivers. We
7 had software to test battery circuitry.

8 So there was -- there was all these
9 different, you know, aspects. Then once it's done,
10 once you're confident the hardware works, now you can
11 flash the software onto, the actual running software
12 onto it, the Android stuff, the stuff that the user
13 sees.

14 Q Was the Imerj software Android-based?

15 A Android-based, I don't know. I can't answer
16 that. I think so. I think so. I don't know if that
17 actually got certification or not. It was
18 Android-based. I know it was following Android, but I
19 don't know if it was ever certified.

20 Q What is Android certification?

21 A I don't understand that. I was just told --
22 I heard it flying around the office that we're looking

1 for Google -- I believe it's called GMS at the time,
2 it was called Google Mobile Certification, GMS? GMC?
3 No. GMC, GMS -- I don't know what the acronym stood
4 for. But -- no, Google Mobile Services. So that's
5 what I understood that the -- I'm assuming it had to
6 be Android because they were going for Google.

7 So that's -- but I don't know if we -- I
8 think, if memory serves me correctly, and if the
9 rumors were true, the team was laid off in November of
10 2012 and I think December of 2012 they got
11 certification, if the rumors were true.

12 Q In paragraph 26 of your declaration, we're
13 now on page 13 --

14 A Yes.

15 Q -- you say that by fall of 2011 --

16 A Yes.

17 Q -- the Imerj dual screen folding smartphones
18 were fully production ready?

19 A Yes.

20 Q What happened between the time that the EV
21 devices were produced and the fall of 2011, can you
22 describe that process to me?

1 A Are you serious?

2 Q Please start at a high level.

3 A Okay. So first let's define what a
4 production-ready device is. A production-ready device
5 meets several criteria. Not only does it meet the
6 hardware requirements that you specified in your
7 product spec, but it also provides yields in the
8 factory because you're not playing, these are
9 expensive devices, so the yields have to be high as
10 well.

11 So you have to shake down -- that's why I
12 said in PVT phase it could refer to product
13 verification testing, or product validation testing,
14 and process verification, process validation testing,
15 that's why.

16 So EV is your first format. As I said,
17 it -- it answers the question can I do this with this
18 architecture. As you transition -- and in order for
19 you to exit that phase, you have requirements that you
20 have to test against and meet. And if you've met
21 enough of those requirements where management deems it
22 sufficiently low risk to move onto the next phase, the

1 next phase-gate, you transition off into design
2 validation.

3 So now you've hardened everything. There
4 should be very -- you should not have any major
5 architectural changes. Because if you do -- and you
6 can have it, yes, you can have it, but the cost of
7 testing goes through the roof.

8 Q Okay.

9 A So we thought -- and what drives it is
10 performance. So you -- so what drives the progression
11 through the phase-gates is the performance on the
12 testing of validation that you do, okay.

13 So in a nutshell, EV -- so you asked what
14 happened. Well, there was some annoying requirements
15 that changed, like one was form factor growth, and
16 that was, like I said, I think to accommodate the RF
17 and the volume box with the -- the acoustic chamber.

18 And then DV was just predominantly focusing
19 on hardware reliability. It was -- it was -- you can
20 imagine dual screen as you -- as you close -- so one
21 of the AT&T requirements it has to pass the drop test
22 one and a half meters on the concrete six sides.

1 That's a spec defined by AT&T. You have to meet that
2 spec. You can't do that with this.

3 Now, you can get a soft pass that, you know,
4 as long as it is still functional. But because the
5 glass was on the outside, and it's even though it's
6 gorilla glass, it still doesn't matter, it's still
7 pretty fragile. If you drop it from a meter on the
8 concrete, yeah, it's -- it's pretty fragile.

9 There were other issues where EV builds,
10 because of the height, like, it's the thinnest phone
11 on the planet. I don't know if you can appreciate how
12 hard it was to do that, but nobody does. But anyway,
13 to make the thinnest phone on the planet we had to do
14 some very clever engineering.

15 One of the unfortunate choices that was made
16 before my time was to use B-to-B connectors,
17 board-to-board connectors. They were ultra low
18 profile, but their retention was very poor. So drop
19 tests, like any type of sudden shock or drops would
20 disconnect that. So you would have to peel the
21 display off. And the displays were held on by PSAs,
22 pressure sensitive adhesives. So it was a real pain

1 in the butt to try and fix these. So it was necessary
2 to go through all these durability -- durability
3 improvements.

4 And then there was RF -- we did some crazy
5 stuff down there where the RF black magic guys said
6 that, you know, we need certain things to happen.
7 They wanted to put ground planes, and I knew -- I was
8 vetoed, I was, like, I wouldn't do that because you're
9 going to seriously disrupt the reliability of the
10 product. And they did and then we'd have to revert,
11 we'd have to do a change-back.

12 So, so, yeah, so there was a lot of activity
13 going from EV2 all the way up.

14 MR. VALENTE: All right. I think now is
15 probably a good time for a break. We'll do 10
16 minutes.

17 THE WITNESS: Yeah, I could go for another
18 coffee, if you don't mind.

19 (Recess 11:17 a.m. - 11:34 a.m.)

20 BY MR. VALENTE:

21 Q During the transition from the EV devices to
22 the PV --

1 A No, it goes to DV. EV goes to DV.

2 Q And then to PV?

3 A And then to PV.

4 Q Okay. So throughout the time from EV to PV,
5 were there software updates made on the device?

6 MS. SEWANAN: Object to form.

7 A Software updates? Can you define what you
8 mean? So updates or upgrades or what?

9 Q Were there new versions of the software
10 kernel that were developed during that time?

11 A Yeah, I don't know what the -- the
12 distinction, what was developed when. I would assume
13 there was different software going onto the devices.
14 Are you talking at the factory or the builds or --

15 Q I'm talking about the user-facing software.

16 A Okay. Under what context? So at the
17 factory when we're -- when we're making and
18 provisioning devices? Or are you talking about what
19 the guys were using for developing?

20 Q What the guys were using for developing.

21 A Yeah, so you'd have to ask them. I'm
22 assuming they were upgrading it constantly,

1 continuously, because they were -- but we supplied
2 them the hardware to test with and they got pretty mad
3 when we didn't have enough, right. Pretty angry.
4 Sorry.

5 Q In your declaration you said that you were
6 not involved in the software development for the Imerj
7 project. That's accurate?

8 A That's correct, yes.

9 Q And that's why I'd have to ask people
10 involved in software development to answer that
11 question?

12 A I'm sorry?

13 Q That's why I have to ask the people involved
14 in software development the answer to my prior
15 question?

16 A Can you remind me what the question was?
17 When I said you'd have to -- you'd have to ask them?

18 Q Yes.

19 A Yes. Yes. I know the process. I didn't do
20 it.

21 Q Okay.

22 A Again, precision matters.

1 Q If you turn to paragraph 28 of your
2 declaration, that begins on page 13.

3 A Okay.

4 Q In the third sentence you state, "The
5 document appears to disclose several teams."

6 Do you see that?

7 A Mm-hmm.

8 Q You used the term "appears to disclose"
9 because you were interpreting what the document says?

10 A Under what context? So -- so maybe I wasn't
11 as precise in my declaration on this one, disclosed
12 several teams dedicated to testing EV2 builds in terms
13 of software, not the hardware. They were not doing
14 the testing. This is a software. Just remembering
15 the names, these are all software guys.

16 Q Were you involved in the software testing
17 that's described in that document?

18 A No. No. But maybe I should have been more
19 precise. So in my mind, my world, it's always
20 hardware. But there are -- there were various
21 forms -- various different test groups out there that
22 some was testing software, some was testing hardware,

1 some was testing systems, some was testing, you know,
2 RF performances. There's a whole bunch of different
3 test teams out there.

4 And in this context I -- the EV2s -- dual
5 screen, so we're talking --

6 (Court Reporter clarification.)

7 A Yeah, the EV2s, that was a hardware
8 platform, so they're probably testing software on a
9 hardware platform.

10 Q And when you use the term "builds" in that
11 sentence, is that software builds?

12 A No. In the context that I made that was EV2
13 hardware builds, hardware configurations.

14 Q Was the hardware changing daily?

15 A No, no. It was changing probably weekly --
16 well, once every two or three weeks.

17 Q Well, this sentence says "testing daily EV2
18 build." What do you mean by "daily"?

19 A Well, those were software builds on EV2
20 hardware.

21 Q Okay. So in this sentence the word "build"
22 refers to software builds?

1 A I'm assuming so, yes. But EV2 was the
2 hardware platform. Or 2X, call it 2X.

3 Q Then paragraph 30 of your declaration,
4 that's going to be on page 14, can you turn there?

5 A Yes.

6 Q In that paragraph you're discussing Exhibit
7 2008. Do you see that?

8 A Yes, it's right here.

9 Q And as you describe that document, you say
10 it shows testing taking place on the Imerj phones
11 during late July [sic] of 2011 into February of 2011?

12 A Between January and February, yes.

13 Q Were you involved in the testing that's
14 described in that document?

15 A No. Yeah, similar documents, though.
16 That's interesting.

17 Q What is interesting?

18 A Just I'm looking at -- going back, memory,
19 just reliving old memory.

20 Q Anything in particular in the document
21 you're reacting to or --

22 A No. Just old names. Can't remember where

1 some of these people ended up.

2 Sorry. Just reminiscing.

3 Q Are you aware of any document that shows
4 exactly what user interface software features were
5 implemented in the EV1 devices?

6 A No, no. What -- a document, like an actual
7 physical piece of document?

8 Q Yes.

9 A No, no, I don't see it. I don't recall.

10 Q Are you aware of any document that shows
11 exactly what user interface software features were
12 implemented in the EV2 device?

13 A No. A document, no.

14 Q Anything else that shows exactly what was
15 implemented in the --

16 A Just my recollection of what was on there
17 when I built the devices.

18 Q I believe you have a copy of Exhibit 2006,
19 right?

20 A I seem to be missing quite a few, but,
21 anyway. 2006, yes, the big one. Yeah, that's pretty
22 gross.

1 Q If we assume that the EV1 device operates
2 exactly as described in that document, is there any
3 way I can confirm that?

4 MS. SEWANAN: Objection to form.

5 A Define -- define what you mean by "confirm."
6 Like grab an EV1, put software on it and run it?

7 Q Is there anything besides your testimony
8 that I can use to confirm that that's how it operated?

9 A Not in existence right now, or not easily in
10 existence right now. But my testimony stands. We
11 can't build a complex hardware platform like that
12 without requirements that drives it, can't do it.

13 Q Yeah.

14 A So the fact that I showed you we built
15 something in -- in September, October, we had to have
16 requirements, let's be honest, we had to have
17 requirements a lot earlier than that.

18 Q Do you remember how you first got involved
19 with Flextronics?

20 A Yes.

21 Q Can you tell me?

22 A Do you need to know?

1 Q I'm curious.

2 A Okay. I was working for Pratt and Whitney.
3 The commute was killing me; I was out in Lethbridge.
4 And the site GM for Flex was a friend of mine, Brian
5 Reeves, he called me and we were chatting. I just
6 came back from the -- I was at my hotel and I just
7 came back from the casino in Lethbridge and I was
8 sitting there, I just finished dinner. And he called
9 me and we started chitchatting, chitchatting, and he
10 asks, so, you want a job? I'm, like, well, I don't
11 know. I was playing; sure, give me one. Sure, I'd
12 love to. I was away from my family at the time. So,
13 anyway, so he said sure. And then we chitchatted for
14 a little bit more.

15 And then a month later he shows up at my
16 house and he says, I've got a job offer for you. And
17 I'm what? I said, I don't want to leave my job. He
18 goes, no, I got a job -- don't back out on me now.
19 And I said, well, let's see what the offer looks like.
20 And it was a good package, so I said, okay, sure. And
21 that's when I got jumped on. And I had stipulations,
22 I went from, you know, like a manager level to

1 director.

2 Q Can you remind me of the date that you
3 started at Flextronics?

4 A If I'm not mistaken, it was July 8th, 2008,
5 July 8 or July 7th. July 8 or July 7th.

6 Q Did you know what you would be working on at
7 Flextronics when you joined?

8 A No. Just that I would be used and abused.

9 Q At the time you joined, had anyone conceived
10 of the Imerj projects?

11 A At the time I joined, no.

12 Q What was the first project you worked on at
13 Flextronics?

14 A The first project I worked on was -- I'm
15 assuming it's okay to release this. I worked on the
16 Dell Alienware project, software provisioning for Dell
17 Alienware. Dell just acquired Alienware. It was a
18 high-end computer. We were designing it, like Flex
19 was designing and manufacturing the computer, very
20 high-end, the one Sheldon used on Big Bang Theory, the
21 first one --

22 Q I used one, too.

1 A Yeah, so the -- and I was the one
2 responsible for provisioning your software when you
3 got the out-of-box experience.

4 So what we had to do, Alienware wanted us
5 to -- how deep do you want me to go into this?
6 Because I can talk about 15 minutes.

7 Q Not that deep.

8 A So I basically had to come up with a
9 provisioning solution for a build at the factory that
10 could roll out custom software for each -- for each
11 device. It's not -- it's classically -- this was what
12 they call design to build and configure to build,
13 configure to order.

14 Q Okay.

15 A David would order it, it would be configured
16 as David ordered it. This is not like Best Buy orders
17 a hundred thousand of them and it's all configured the
18 same way. We would have to customize it.

19 And it was even more complicated because
20 each -- each computer we assembled had to run through
21 a 3DMark benchmark test to ensure that it met the
22 performance that they -- that Alienware specified.

1 And then we'd have to take the results of
2 that test and document it and then put it back in, so
3 when you -- when you opened the thing up, you actually
4 had a test report, your -- your computer.

5 Q Okay.

6 A And if it failed, you had to report it. And
7 Sanj actually helped work on -- on the interface for
8 that provisioning system.

9 Q Do you recall when the Imerj project began?

10 A There was -- I don't recall the beginning.
11 I -- I recall we were having -- because we were still
12 a very small team then, we were only like 10, 12, 8,
13 10 people, 12 people in the Burlington office.

14 And we're innovators, and some of the people
15 started talking about -- because when I used to travel
16 to China, I would have to carry -- these computers are
17 actually light compared to the big machines that I'd
18 have to carry, and it would kill you. So we were
19 thinking wouldn't it be great to have -- you know,
20 like, I'm sick and tired of carrying it. Somebody
21 mentioned, hey, it would be great to have your -- you
22 personal computing device in your pocket. I just kind

1 of laughed, whatever, sure. And those guys went away.

2 I was still focused, I was very heavily
3 focused. I'm very work-oriented. I don't like
4 chitchatting a lot. But we were there, I remember
5 when they started talking about -- I can't remember
6 the time frame, but it was around the 2009, early to
7 mid-2009 they started talking about a smartphone with,
8 you know, a certain type of interface, which maybe not
9 necessarily two screens, but it was going to be
10 something that you could use as a mobile computing
11 device.

12 And then Brian mentioned that to somebody
13 and then we got a guy named Rod Schrock came in as a
14 new GM, general manager, and that's when they
15 committed to doing the product. I don't know the time
16 frame, but that was generally the sequence.

17 Q When did you start working on the Imerj
18 project?

19 A I finished -- yes, so I did the Alienware
20 one, and I also did the Van Gogh, which was the
21 Hewlett Packard one, the small one, that I came back
22 from China February of 2010 and Brian told me he

1 needed my help on the -- he needed someone with my
2 broad experience to help drive not just the mechanical
3 platform, but bring everything together from -- from a
4 technical perspective. Somebody that could understand
5 electronics, mechanical systems, all the analytical
6 stuff that needed to happen, add a hinge, somebody
7 with an innovative flair.

8 Q Do you know how many people were on the
9 Imerj team when you joined?

10 A No, no. It was heavy in software, though.

11 Q Do you recall the approximate number of
12 people who worked on software?

13 A At what point in time?

14 Q When you first joined the team.

15 A Oh --

16 Q In February of 2010, just so we have the
17 precise date.

18 A Join the team, I can't remember if Ron was
19 already on there. I would say probably 20 or 30,
20 maybe 40 people already.

21 Q How many people on the hardware side?

22 A So the hardware -- yeah, I don't know,

1 because Rich was handling that and he was not a very
2 good communicator, so I don't know how big the team
3 was. But I know there was for the hardware -- so
4 which hardware are we talking about? The ones that
5 developed the dev kits?

6 Q Anyone who worked on hardware related to the
7 Imerj project.

8 A You have to specify a point in time.

9 Q February 2010.

10 A February 2010, okay. So there was Taiwan.
11 There was China. So Vision Design Center. My guess
12 is probably -- already there was probably around 15 to
13 20 people already, 20 engineers, maybe 25 or 30.
14 Depends on which discipline. You're talking
15 mechanical or you're talking electronics? You're
16 talking hardware engineering in general?

17 Q Let's break it down. How many in
18 mechanical?

19 A There's probably two or three in mechanical
20 that were working on it at the time. This is why we
21 outsourced a lot of the mechanical to PTE in Chicago;
22 we knew we couldn't do it. I didn't have an onshore

1 team yet when they put me on. I'm, like, no, no, it's
2 going to take me time to hire somebody and we better
3 outsource this.

4 Q What about hardware engineers?

5 A Which ones? Double E's, like an electronic
6 engineer? Because hardware -- hardware encompasses
7 anything that's hard.

8 Q Before you said depends whether you're
9 talking electronics or you're talking hardware
10 engineering in general.

11 A Oh, mechanical, I meant mechanical
12 engineering. Are you talking hardware engineering
13 like the umbrella? Like hardware, like, I meant it
14 under the context of the umbrella. It's not a
15 different thing. It's, like, total number of
16 engineering head count I couldn't tell you.

17 Q Got it.

18 A But it was substantial. It was already --
19 we had Beijing and Taiwan and some resources here, and
20 then we were -- obviously we had a very strict
21 schedule, so we were just in the process of hiring or
22 forming the contract with PDT, Product Development

1 Technologies, Inc. out of Chicago. And they must have
2 been -- no, because one of the first things I had to
3 do is I had to fly out there and meet those guys, so
4 they were already on, so, yeah. And at that time they
5 had electronics and hardware. So my guess is the
6 whole team would probably be around 30, 30 people. It
7 was quite substantial.

8 Q As a director, did you manage all of those
9 people?

10 A Not all of them, no.

11 Q Which ones did you manage?

12 A I managed people that were directly
13 responsible with mechanical. But then I also had
14 oversight, indirect oversight to other, like, for
15 example, tooling, contractors. I challenged a lot of
16 the analytical team, right. We had PTE doing
17 analytical work for us. We had our own guys doing
18 analytical work for us, which I wasn't happy with,
19 but...

20 Yeah, I would probably manage, like if you
21 looked at the -- like even assembly, I was an
22 influential person there, and people liked to work

1 with me, so I ran factories, I ran the builds. I was
2 getting annoyed with it. But, yeah, I mean, most of
3 those people would indirectly report in to me when
4 they had to, right.

5 So in terms of direct reports, I probably
6 had -- no, I had the Beijing team too, but I had -- it
7 wasn't direct reports. I had one person reporting in
8 to me at Beijing who was the manager of the mechanical
9 team, there's three people under him. And then here I
10 had three people onshore, two or three people onshore.
11 It depends on which point in time you're talking
12 about.

13 Q You used the term "analytical work" a couple
14 of times. What does that mean?

15 A Analytical was -- it was where we would do
16 predictive analysis using software simulations, like
17 finite element analysis --

18 (Court Reporter clarification.)

19 A -- FEA, to determine whether or not the
20 device is going to be strong enough, how it will
21 deform if you drop it, predict fracture modes. The
22 hinge, that hinge is actually at the physical limit of

1 form factor. You cannot make that hinge with the
2 technology that they have there, you cannot make it
3 smaller. It's the smallest possible hinge you could
4 make without having any reliability issues.

5 And I'll tell you, there's a pin inside the
6 hinge, it's zinc, and the holes, there's 4340 knurled
7 pivots, what the hinge rotates on. Those are actually
8 embedded inside the zinc, the one platform, and then
9 there's two, they're side by side.

10 Those pins, so if I -- if I make that zinc
11 profile just .1 millimeters smaller, they'll twist
12 inside it. There's not -- zinc doesn't have enough
13 retention strength to retain that knurling. So we
14 used what we call CSRs on it, which is compact spring
15 retainers, and the more retainers you put on adjusted
16 the drag and the feel of the -- the two displays or
17 the two screens opening up the two halves of the
18 handset.

19 So when you ask why I had an analytical
20 team, believe me, there was a reason why, because all
21 that stuff had to be calculated out.

22 Q Got it. Do you still have in your

1 possession documents from Flextronics related to
2 Imerj?

3 A No, no. I'm sorry. No.

4 Q Other than your travel receipts, did you
5 search for any documents in connection with this
6 proceeding?

7 A No.

8 Q What happened to the documents related to
9 the Imerj project? Did you ever have any in your
10 possession?

11 A While I was an employee of Flex, yes, I had
12 to. I had to carry the entire mechanical ECAT
13 platform. It was -- it was also -- it was in wind
14 chill; we couldn't get rid of it. It was our product
15 data management system. Where after Flex I had to
16 give my -- like, yeah, there's no -- no documents
17 other than my termination papers.

18 Q Did you return them or destroy them?

19 A Sorry?

20 Q Did you return them? What happened to them?

21 A The Imerj stuff?

22 Q Yes.

1 A No. The Imerj stuff finished around 2012
2 and I was an employee up until 2016. Actually ran
3 the -- ran the site, we went -- yeah, it pivoted roles
4 let's say. So, yeah, most of that stuff I just threw
5 out. Didn't want to see it again.

6 Q Why didn't you want to see it again?

7 A It was a lost project, didn't want to see
8 it. I spent a lot of time, lot of effort in it, and
9 it didn't go anywhere and it was a great product.

10 Q Flex had tried to offer the Imerj device to
11 communications companies, right?

12 MS. SEWANAN: Objection to form.

13 A Right, are you asking me?

14 Q Yes.

15 A So is the rumor I heard.

16 Q Did you hear why those companies weren't
17 interested in the device?

18 A Only one through hearsay.

19 Q Can you tell me what that is?

20 A What what is?

21 Q The only one through hearsay you said.

22 A Yeah, which company? Or what, why?

1 Q Why.

2 A I heard that the company that was explored,
3 they did a focus group on it to see -- this is what I
4 heard -- to see if it was believable that that type of
5 company could develop a product as svelte as ours, and
6 the answer was no, so I heard it was rejected. But I
7 don't know the specific details; I just heard rumors.

8 Q Who did you hear those rumors from?

9 A I prefer not to say.

10 Q I'd like you to tell me, please.

11 A It was one of the leadership at -- at our
12 office in Flex.

13 Q What was that person's name?

14 A His name was Brian.

15 Q His last name?

16 A Reeves.

17 Q Do you recall exactly how the user interface
18 software on the EV1 and EV2 prototypes responded to
19 gesture inputs?

20 MS. SEWANAN: Objection to form.

21 A Yeah. Can you rephrase the question
22 specifying a little more detail on what exactly you're

1 looking for? How it responds is a very vague or
2 ambiguous question.

3 Q Sure. Let's break it down into some
4 specific examples.

5 If the device is showing -- the Imerj device
6 and the EV1 or EV2 prototype is showing one
7 application with two windows, one window on each
8 display, and the user were to swipe from the left to
9 the right, what would happen?

10 A Left to right, so is it one application or
11 you just brought the application up?

12 Q Brought the application up and there's two
13 windows --

14 A It would expand, if it -- if it had the
15 functionality, it could go into two screen mode.

16 Q What if it was already in two screen mode?

17 A I don't know. I can't remember. I can't
18 remember.

19 Q Did you hear the terminology "parent" or
20 "child" during your work on the Imerj device?

21 A Did I hear the term?

22 Q Yeah.

1 A Probably.

2 Q Do you have an understanding of what a
3 parent is?

4 A In this context, no.

5 Q What about a child?

6 A I would assume it would come from something
7 from a parent, but I don't -- in this context I don't
8 know. I don't know what you're looking -- what you're
9 referring to.

10 Q Earlier you said you were charging more for
11 testifying than you charged for preparing the
12 declaration, right? When did that rate change?

13 MS. SEWANAN: Objection to form.

14 A When as in -- when as in what date, or
15 roughly what time frame, or --

16 Q Did it change before you started your
17 deposition preparation?

18 A No.

19 Q Did it change at the beginning of your
20 deposition preparation?

21 A Wait, deposition preparation, sorry, sorry,
22 sorry. This is my declaration.

1 Q Yes.

2 A This what we're sitting in is the
3 deposition, right?

4 Q Correct.

5 A It changed much before the deposition
6 preparation.

7 Q Did you ask for the higher rate?

8 A I demanded a higher rate.

9 Q Why did you demand the higher rate?

10 A Because it's disruptive. We were in the
11 midst of travel. We were traveling the Middle East.
12 We were trying to set up a deposition and for some
13 reason it couldn't -- it always fell on inopportune
14 times, and I was getting upset.

15 Q Were there dates before today that would
16 have been better for you?

17 A Yes. It would have been better at the end
18 of October.

19 Q I want to briefly go back to the time when
20 you were meeting with Mr. Cassar and others before you
21 prepared your declaration.

22 Did Mr. Sirpal ever ask you any questions

1 about the Imerj projects?

2 MS. SEWANAN: Objection to form.

3 A I don't understand -- yeah, what kind of
4 questions?

5 Q Any questions at all during the time period
6 when you were meeting --

7 A Did he ask questions? No, I don't think so.
8 I don't recall.

9 Q Do you recall what you discussed with
10 Mr. Sirpal?

11 A Not every detail.

12 Q What details do you recall?

13 A There were -- there were just questions,
14 like do we have any hardware, does he have hardware,
15 right. We were discussing saying do you have any
16 hardware? Do you know if they power up? I'll bring
17 them over, let's check.

18 Q Did you speak to Mr. Sirpal about the
19 software functionality?

20 A No. I had no idea why he was asking this.
21 He was just, hey, do we have any -- do we have any
22 hardware that you think we could power up? I don't

1 know. Let's check.

2 Q Did you speak to Mr. Cassar about the
3 software functionality in the Imerj device?

4 MS. SEWANAN: Objection to form.

5 A Not pertaining to this. The functionality,
6 no, no, no. My objective -- I really couldn't care
7 about the software. My objective was to try and bring
8 up a piece of hardware, that's it.

9 MR. VALENTE: I think we're a few minutes
10 early, but now would be a good time to break for
11 lunch, if that works for you.

12 THE WITNESS: Sure. It's an interesting
13 time.

14 (Recess 12:13 p.m. - 1:08 p.m.)

15 BY MR. VALENTE:

16 Q Welcome back.

17 A Okay.

18 Q Have you communicated with Mr. Cassar about
19 this proceeding since you signed your declaration?

20 A Since I've signed the declaration? No. No.
21 No.

22 Q Did you communicate with Mr. Cassar about

1 this proceeding after you knew you would be preparing
2 the declaration?

3 MS. SEWANAN: Objection to form.

4 A Communicating with Mr. Cassar about what?
5 He's my partner.

6 Q About this proceeding.

7 A After it was prepared?

8 Q After you first knew you were going to be
9 preparing a declaration.

10 A Yeah, I wasn't aware of the process, so I
11 didn't know -- I was quite late on -- we just asked --
12 anyway, did I talk to him after about it? Not really.
13 Just happy to get it done, that's all. Nothing
14 specifics.

15 Q What do you mean "not really"?

16 A Well, I'm saying we didn't talk about any of
17 the details that went into it. We were just happy it
18 was over and done with and we could help.

19 Q Can we go back to paragraph 3 of your
20 declaration real quick? I want to look again at the
21 picture on page 2.

22 A Sure.

1 Q Do you know if that photograph was recently
2 taken?

3 A No, I couldn't say.

4 Q So you don't know if that would be a
5 photograph of a Imerj device that's currently
6 operational?

7 MS. SEWANAN: Objection to form.

8 THE WITNESS: Sorry? I didn't hear you.

9 MS. SEWANAN: Objection to form.

10 A I don't know if that's a real phone. I did
11 not take that picture.

12 Q When you worked at Flextronics, did you
13 interact with Mr. Sirpal?

14 A Yes.

15 Q How often?

16 A Sometimes daily. Sometimes once a month.

17 Q And for what reason?

18 A Which time?

19 Q For the Imerj project, so for what purposes
20 would you meet or would you have met Mr. Sirpal?

21 A For what purposes -- okay. Sometimes
22 because we were friends, sometimes we would talk.

1 Sometimes he would relay -- he would come down and ask
2 for specific changes to be made to the phone to meet
3 what his requirements were.

4 Q Were those specific hardware changes?

5 A No, he never defined how to do it or what to
6 do. He just -- he just defined what it needs to do.
7 I had to figure out the how.

8 Q Okay.

9 A He's not -- he's not an engineer. I don't
10 think he is, anyway.

11 Q Do you recall anyone at Flextronics named
12 Martin Gimpl?

13 A I've heard the name. I've never met him.

14 Q Do you know what he did at Flextronics?

15 MS. SEWANAN: Objection to form.

16 A I said I've heard the name. I don't
17 remember seeing him. I don't know what his specific
18 function was. He might have changed -- I don't know.
19 I have no idea.

20 Q Since today's deposition began, have you
21 spoken with Mr. Cassar?

22 A Since today's deposition began? No, I

1 haven't seen him. We're on separate floors is my
2 understanding.

3 Q Have you spoken with anyone about the
4 substance of your testimony today besides me?

5 A No.

6 MR. VALENTE: So I don't think I'm going to
7 have any more questions, but I just want to go off the
8 record and check with my co-counsel and make sure. So
9 if we can take a short break.

10 MS. SEWANAN: Okay.

11 (Recess 1:12 p.m. - 1:33 p.m.)

12 MR. VALENTE: All right. So, Mr. Becze, or
13 Dr. Becze, thank you for your time today. I don't
14 have any more questions for you at the moment.

15 I'm going to pass the witness.

16 MS. SEWANAN: I just have a few questions.

17 EXAMINATION

18 BY MS. SEWANAN:

19 Q Okay. Dr. Becze, are you a patent attorney?

20 A No.

21 Q Okay. I'd like for you to take a look at
22 Exhibit 1001.

1 A Yeah.

2 Q Do you recognize this document?

3 A Yeah, it was the one he gave us.

4 Q Okay. Is this the '494 patent?

5 A Yes, I think, yeah.

6 Q Have you ever reviewed the '494 patent
7 before?

8 A Never, no.

9 Q Do you have any personal opinions on what
10 any of the terms that are written in the '494 patent
11 mean?

12 A I -- no, I can't, because I have not read
13 this document yet. I don't know what the terms are in
14 here.

15 Q Okay. You can put that aside.

16 You mentioned earlier during your testimony
17 that you had worked with the Carmichael team attorneys
18 during the time when you were drafting your
19 declaration?

20 A Yes.

21 Q Were you represented by the Carmichael team
22 attorneys during the time that you worked with them on

1 drafting your declaration?

2 A Truthfully, I don't know what "represented"
3 means. Can you define what does "represented" mean?

4 Q Were you legally -- was the Carmichael team
5 attorneys representing you as your legal counsel while
6 you were drafting the declaration with them?

7 A Okay. Maybe I can clarify this. I don't
8 believe we had any need for legal counsel. That's --
9 we -- I didn't understand that this was -- they were
10 an attorney. If they said it, then I probably missed
11 it. I don't know. We were just helping them. I have
12 no idea if they were our legal counsel by definition,
13 if that's what happens, I have no idea.

14 MS. SEWANAN: Okay. And I'll just note for
15 the record that our understanding is that Dr. Becze
16 was being represented by the Carmichael attorneys and
17 that all the meetings between him and the Carmichael
18 attorneys were subject to attorney-client privilege.

19 A Oh, yeah, that part, yes, yes, yes. Is that
20 what that representation means, like if you're
21 represented?

22 Q Yes.

1 A I didn't know that he told us -- yeah, they
2 were told everything confidential.

3 Q Okay. So I'll just -- I'll ask the question
4 again just to make sure I understand.

5 So were you represented by the Carmichael
6 team attorneys while drafting the declaration with
7 them?

8 MR. VALENTE: Object as leading.

9 A I don't even understand that what means.
10 Were we represented by the Carmichael attorney -- for
11 this definition, yes, we were.

12 MS. SEWANAN: Okay. I have no further
13 questions.

14 THE WITNESS: I don't understand -- oh,
15 sorry.

16 MR. VALENTE: I have no follow-up. Thank
17 you for your time today.

18 We can close the deposition.

19 (Time noted: 1:37 p.m.)

20 *****

21

22

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2 NOTARY PUBLIC

3
4 I, MONIQUE VOUTHOURIS, Certified Court Reporter
5 and Notary Public within and for the State of New
6 York, do hereby certify:

7
8 That CHARLES EDWARD BECZE, PH.D., the witness
9 whose deposition is hereinbefore set forth, was duly
10 sworn by me before the commencement of such
11 deposition, and that such deposition was taken
12 before me and is a true record of the testimony
13 given by such witness.

14
15 I further certify that the adverse party,
16 MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD, was
17 represented by counsel at the deposition.

18
19 I further certify that the deposition of
20 CHARLES EDWARD BECZE, PH.D. occurred at 1633
21 Broadway, New York, New York, on Friday, November
22 21, 2025, commencing at 9:17 a.m. to 1:37 p.m.

1 I further certify that I am not related to any
2 of the parties to this action by blood or marriage,
3 I am not employed by or an attorney to any of the
4 parties to this action, and that I am in no way
5 interested, financially or otherwise, in the outcome
6 of this matter.

7
8 IN WITNESS WHEREOF, I have hereunto set my hand
9 this 26th day of November 2025.

10
11
12 
13

14 Monique Vouthouris, CCR, RPR, CRR

15 Notary Public of the State of New York

16 My commission expires: December 1, 2027
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22