UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUMIO CORPORATION,	)
	)
Petitioner,	) IPR2025-00106;
	) IPR2025-00107.
v.	) IPR2025-00108;
	) IPR2025-00109
FACETEC, INC.,	)
	)
Patent Owner.	)PAGES 1 - 77
	)
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DEPOSITION OF DR. CHRISTOPHER DAFT

Friday, August 29, 2025

LOS ANGELES, CALIFORNIA

STENOGRAPHICALLY REPORTED BY:
LINDSAY A. STOKER, RDR, RMR, CRR, CRC
CA CSR No. 14373
Job No.

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Patent Owner.	)PAGES 1 - 77
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Deposition of Dr. Christopher Daft, taken on behalf of the Patent Owners Pursuant to Notice at the offices of Morrison Foerster, 707 Wilshire Boulevard, Los Angeles, California, commencing at 9:04 a.m., on Friday, August 29, 2025, before Lindsay Anne Stoker, an NCRA Registered Diplomate Reporter, Registered Merit Reporter, Certified Realtime Reporter, Certified Realtime Captioner, and Certified Shorthand Reporter No. 14373 in and for the State of California.

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

NUMBER	DESCRIPTION	PAGE
EXHIBIT 2032	Christopher Daft, Transcranial Focused Ultrasound (TFUS) System Configured with Simplified Probes, U.S. Patent Application No. 18/879,120, Pub. No. 2025/0121215 A1 (filed Oct. 8, 2024, published Apr. 17, 2025).	31
EXHIBIT 2033	Christopher Daft, Wearable Closed Loop TUS System, U.S. Patent Application No. 18/879,121, Pub. No. 2025/0161718 A1 (filed Oct. 14, 2024, published May 22, 2025).	33
EXHIBIT 2034	Howe v. Speedway LLC, No. 1:19-cv-01374, 2024 WL ___ (N.D. Ill. Sept. 29, 2024) (memorandum opinion and order by Judge Edmond E. Chang).	52
EXHIBIT 2035	Plaintiff CPC Patent Technologies Pty. Ltd.'s Motion to Exclude the Testimony of Dr. Christopher Daft, CPC Patent Techs. Pty. Ltd. V. HMD Global OY, No. 6:21-cv-00166-ADA (W.D. Tex. Mar. 10, 2023).	60

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1 LOS ANGELES, CALIFORNIA
2 Friday, August 29, 2025, 9:04 a.m.
3 DR. CHRISTOPHER DAFT,
4 called as a witness, having been first duly
5 sworn, was examined and testified as follows:
6 EXAMINATION
7 BY MR. JOHNS:
8 Q. Good morning, Dr. Daft. I'm Chris Johns, as I
9 already said. I am an attorney for FaceTec. Could you
10 just state your full name for the record?
11 **A. I am Christopher Mark William Daft.**
12 Q. So it is nice to meet another Chris.
13 **A. Yeah.**
14 Q. Have you been deposed before?
15 **A. Yes, I have.**
16 Q. How many times?
17 **A. I believe it is 14.**
18 Q. 14. Okay. So I'm just going to go over a
19 couple housekeeping items you are certainly familiar
20 with.
21 I will be asking questions today; you will be
22 providing answers. We have our court reporter, and a
23 transcript will be prepared. So, of course, you know,
24 to help her understand your answers, clear verbal
25 answers are going to be important. Things like "Uh-huh"

or "Unh-unh" may not be transcribed properly. So we will just agree to clear full answers. Is that all right?

A. Yes.

Q. If you don't understand any of my questions, please ask me and I'm happy to clarify. Is that okay?

A. Yes.

Q. Okay. If I ask you a question and you do answer it, it will be understood that you understood the question. Is that fair?

A. That's fair.

Q. Okay. And, again, you have been through a lot of these. Your counsel may object to a question. But you are generally required to answer that question.

A. Yeah, I understand.

Q. Okay. And you understand that you are under oath today?

A. I do.

Q. Okay. Is there anything that's going to prevent you from providing full and truthful answers today?

A. Nothing.

Q. Okay. We can take breaks every hour. But if you need a break, of course, just let me know. I am happy to take a break. If I am asking a question, I ask

that you finish the answer to that question before we take a break. Is that all right?

A. I understand, yeah.

Q. Okay.

MR. MOONEY: Counsel, before we get into it, I think the witness prefers a break every hour.

MR. JOHNS: Yeah. Again, let me know if that changes.

BY MR. JOHNS:

Q. And during those breaks every hour or whenever, you may not discuss the substance with counsel. Is that understood?

A. That is understood.

Q. Did you do anything to prepare for this deposition?

A. I did.

Q. What did you do to prepare?

A. I reviewed a number of documents, and I had meetings with retained counsel.

Q. Did you meet in person or remotely?

A. Both.

Q. Did you meet with Kyle here?

A. Yes.

Q. Did you meet with any others?

A. With Gene.

Q. Okay. About how many hours did you spend preparing for this deposition with your counsel here?

A. About 15 hours in total.

Q. Okay. And you said you reviewed some documents during your preparation; is that right?

A. Yes.

Q. Okay. Which documents did you review, if you recall?

MR. MOONEY: I will object and instruct the witness not to respond based on attorney-client privilege.

MR. JOHNS: I'm sorry. I couldn't hear that last part of what you said.

MR. MOONEY: I will instruct the witness not to respond based on attorney-client privilege as to the selection of documents he reviewed.

MR. JOHNS: Okay.

MR. MOONEY: I mean, shouldn't be surprised if you want to ask about the petition. That's fine.

BY MR. JOHNS:

Q. I am not asking about any particular communications you had with counsel. I am just asking in your own time you had reviewed any documents.

MR. MOONEY: Do you understand the question?

THE WITNESS: I understand the question. I

reviewed my declaration and the prior art and possibly some other relevant documents.

BY MR. JOHNS:

Q. Okay. How long did you take to review them?

A. Maybe 10 hours.

Q. Okay. Have you done any work for Jumio Corporation before these cases that we're talking about today?

A. No.

Q. Are you familiar with iProov?

A. I first heard of iProov when I was reviewing the institution document a couple of days ago. And I didn't understand the context of what the judge was writing about, I think.

Q. So just to go back to your answer, you said you first heard of them when reviewing the institution decision a few days ago?

A. That's correct.

Q. So you had not reviewed the institution decision before a few days ago?

A. That is correct.

Q. Okay. And you have not worked for iProov in any way?

A. No.

Q. Have you done any work for FaceTec?

1 **A. No.**
2 Q. Have you worked for any companies that provide
3 biometric security systems before, again, for these
4 cases?
5 **A. I have.**
6 Q. Okay. Which companies are those?
7 **A. I did technical consulting for Qualcomm on**
8 **biometric security.**
9 Q. Uh-huh. Okay. So did you personally work on
10 any biometric security systems while you were working
11 for Qualcomm?
12 **A. Yes. I was a consultant to Qualcomm. There**
13 **was a group that was developing a cell phone biometric**
14 **security system, and so I was contributing to that.**
15 Q. Okay. What were your contributions to that
16 biometric security system for cell phone?
17 **A. I was providing them with technical analysis**
18 **and solutions on transducers, on the physics of waves**
19 **and signal processing.**
20 Q. Okay. For the transducers, what sort of
21 biometric systems were the transducers used in?
22 **A. The transducers were generating ultrasonic**
23 **waves that were transmitted into the finger, and this is**
24 **a superior way of getting fingerprint information**
25 **compared with what's previously been on the market.**

Q. Okay. So you worked at Qualcomm for fingerprint analysis and authentication?

A. That's correct.

Q. Okay. Have you worked for any other companies that provide biometric security systems other than Qualcomm and Jumio in this case?

A. I have done -- I have been an expert witness on a case that was also involving biometric security.

Q. Okay. Other than for the case, have you worked for any other companies that do -- that work on -- that provide biometric security systems?

A. When I worked at General Electric, I was involved in a project that was also fingerprint related. That was for a military application through Lockheed Martin.

MR. JOHNS: Okay. I'm going to hand you a document. It is marked as Jumio 1004 in the bottom right.

(Exhibit No. 1004 identified.)

BY MR. JOHNS:

Q. Do you recognize this document?

A. I do.

Q. What is this document?

A. This is my CV.

Q. Okay. And it is your CV as of the date that

these proceedings were filed; is that right?

A. It's my CV as of the date that I signed the declaration.

Q. Okay. Thank you. On -- if we can turn to page 8, about halfway down, you see where it says "General Electric Company"?

A. Yes.

Q. I think, just before this, you mentioned you had worked on a project with Lockheed Martin that was related to fingerprints; is that right?

A. That's right.

Q. Is that mentioned in your CV here?

A. It's not.

Q. Is there a reason that it was omitted?

A. Yes. In order to keep my CV to a reasonable length, I have only listed the things that I spent -- I mean, I worked for GE for 10 years. These are the things that I spent most of my time on.

This fingerprint project was a smaller thing; so I didn't include it in my CV.

Q. How much time would you say you worked on the fingerprint project for?

A. A few weeks.

Q. Are there any other companies that you worked for that provide biometric security systems that you

worked on?

A. I don't recall any others.

Q. Okay. Have you worked for any companies that provide facial liveness systems before these cases?

MR. MOONEY: Objection. Form.

THE WITNESS: I have not.

BY MR. JOHNS:

Q. Okay. Have you ever personally used any products provided by iProov?

A. To my knowledge, I have not.

Q. Have you ever used any products provided by Jumio?

A. To my knowledge, I have not.

Q. Have you ever used any products provided by FaceTec?

A. To my knowledge, I have not.

MR. JOHNS: Okay. I'm going to make everybody's lives a little bit difficult and pass you a very large document.

(Exhibit No. 1003 identified.)

MR. JOHNS: So I have passed you this document marked Jumio 1003 on the bottom right-hand corner of the first page.

BY MR. JOHNS:

Q. Do you recognize this document?

1 **A. I do.**
2 Q. What is this document?
3 **A. This is my declaration in this matter.**
4 Q. Okay. Did you review this declaration,
5 preparing for today's deposition?
6 **A. I did.**
7 Q. Okay. On all the way at the end on page --
8 almost all the way at the end, on page 481, there is a
9 signature.
10 **A. I see that.**
11 Q. Is that your handwritten signature?
12 **A. It is.**
13 Q. Did you apply that signature yourself for this
14 document?
15 **A. I did.**
16 Q. And you see on page 481 the declaration is
17 dated November 6th, 2024.
18 Do you see that?
19 **A. I do see that.**
20 Q. So this declaration reflects the entirety of
21 your opinion regarding these IPR proceedings as of
22 November 6th, 2024; correct?
23 **A. There may be some typos in it, but this is my**
24 **view as of that date.**
25 Q. Okay. What was your involvement in the

preparation of this declaration?

A. I wrote it.

Q. Did you write the entire declaration?

A. No.

Q. Okay. Did you have help writing the declaration?

A. Yes.

Q. Okay. What sort of help did you have?

A. You'll see that in -- particularly in Section 4, there are a lot of paragraphs that begin with the words "I understand that." Those paragraphs were written by retaining counsel.

Q. Okay. Is that the only portion -- I'm sorry, Section 4. I see. Is that the only portion that counsel prepared?

A. The other portions we -- I wrote jointly with counsel.

Q. Was a first draft of those other portions prepared for you and sent to you?

A. No.

Q. So the rest of the document you prepared in cooperation with counsel?

A. I first prepared the first draft, and from there there was a lot of back and forth.

Q. How many rounds of revision would you say there

were?

A. There were many.

Q. If you had to guess, how many would you say there were?

A. I think that there were more than 10.

Q. How much time did you spend preparing, revising, and finalizing the declaration?

A. I don't recall specifically, but there was a period of several months where I was working quite consistently on this declaration.

Q. Okay. Again, if you had to guess, if you could think of a number of hours, if you --

A. That is --

MR. MOONEY: If you could --

THE WITNESS: Sorry.

MR. MOONEY: Objection. Form.

THE WITNESS: My effort on this was a good year ago, and I do not recall how many hours were involved.

BY MR. JOHNS:

Q. Okay. This one declaration covers four separate patents; is that correct?

A. That is correct.

Q. Okay. So just for ease of our conversation, if I refer to the '471 patent, you will understand that I'm talking about the Patent Number 10,776,471?

A. Yes.

Q. Okay. And the same for the '606, '938, and '910 patents, as they are listed on the first page?

MR. MOONEY: Objection. Form.

BY MR. JOHNS:

Q. Is that going to be clear?

A. Using those abbreviations for the patent is totally fine.

Q. Great. You just mentioned this effort was about a year ago. When did you begin preparing this declaration?

A. This is a doubtless inaccurate guess but maybe the middle of last year. I do not remember well.

Q. Okay. Would you say it was spring or summer when you started on this declaration?

A. I would say more likely summer.

Q. Okay. Do you remember what month you might have started it in?

A. I do not.

Q. Okay. And when did you finish preparing this declaration?

A. November 6th, 2024.

Q. Okay. If you can switch to page 22, on pages 22 to 24, there is an exhibit list.

Do you see that?

1 **A. I do.**
2 Q. Did you review each of those exhibits when
3 preparing the original declaration?
4 **A. I did.**
5 Q. Okay. Looking at Exhibit 1001 that refers to
6 all four of the patents, how much time did you estimate
7 you spent reviewing the '471 patent while preparing the
8 original declaration?
9 **A. A long time.**
10 Q. Do you have an estimate of how much time you
11 spent looking at the '471 patent while preparing the
12 original declaration?
13 **A. No. I looked at it in great detail.**
14 Q. Okay. How much time do you estimate you spent
15 reviewing '606 patent while preparing the original
16 declaration?
17 **A. I reviewed each patent in great detail.**
18 Q. In preparing the declaration, did you read each
19 patent front to back?
20 **A. Yes.**
21 Q. Did you read each patent front to back multiple
22 times?
23 **A. Yes.**
24 Q. How many times would you say you reviewed them?
25 **A. I don't recall.**

MR. MOONEY: Doctor, just be careful not to cut him off.

THE WITNESS: Sorry.

BY MR. JOHNS:

Q. Would you say you spent an equal amount of time reviewing each of the four patents during the preparation of your original declaration?

A. I don't recall the division of time.

Q. Okay. If we can flip back to your CV that I handed you earlier. So you have a Doctor of Philosophy in Material Science; is that right?

A. That's correct.

Q. And the focus of that -- those doctoral studies was acoustic microscopy?

A. That is correct.

Q. Did I say that correctly?

A. Yes.

Q. What is acoustic microscopy?

A. If you think of a light microscope, which you might use for histology, an acoustic -- so there you have light waves interacting with tissue. The acoustic microscope is an exact analog, except using sound waves instead of light waves.

Q. And, forgive my ignorance, what is histology?

A. Histology is the study of tissue, and it is

1 **closely related to medical disciplines like pathology.**
2 Q. Is acoustic microscopy a form of ultrasonic
3 imaging?
4 **A. It is.**
5 Q. Okay. On this first page under "Summary," the
6 second bullet, you see you have experience in biometric
7 security.
8 Do you see that?
9 **A. I do.**
10 Q. Okay. And then on page 7, you list that you
11 have technical consulting and expert witness practice
12 followed by a number of things with biometric security
13 in the middle.
14 Do you see that?
15 **A. I do.**
16 Q. Okay. So -- and we discussed a little bit of
17 this before, but can you explain whether the biometric
18 security on page 7 in that sentence refers to technical
19 consulting or expert witness practice?
20 MR. MOONEY: Objection. Form.
21 THE WITNESS: It refers to both.
22 BY MR. JOHNS:
23 Q. So you have been working for River Sonic
24 Solutions since 2012; is that correct?
25 **A. It is.**

Q. Have you been working on biometric security in the technical consulting realm since 2012?

A. I have done biometric security technical projects. I have not continuously been working on biometric security. As a consultant I do lots of projects.

Q. Of course. But as part of River Sonic Solutions, have you been working on technical consulting projects in the area of biometric security since 2012?

MR. MOONEY: Objection. Form.

THE WITNESS: I have done biometric security projects since 2012, yes.

BY MR. JOHNS:

Q. Okay. Is that the project you worked on with Qualcomm?

A. That's right.

MR. MOONEY: If you can just give me a short second to object if I have an objection.

Objection. Form.

THE WITNESS: Yes, Qualcomm.

BY MR. JOHNS:

Q. So, if I understand correctly, that Qualcomm project was in 2012?

A. I am going to say that was probably 2016, sometime around then.

Q. What projects were you working on in the area of biometric security in 2012?

A. I am not aware of doing biometric security in 2012.

Q. Okay. What projects were you working on in the area of biometric security in 2013?

A. I am not aware of doing projects in that field in 2013.

Q. Okay. What projects were you working on in the area of biometric security in 2014?

A. I do not recall the exact dates of my interaction with Qualcomm. It did go on for several years. It is possible that my interactions with Qualcomm have begun in 2014.

Q. Okay. Were there any projects you were working on other than Qualcomm in 2014 --

A. I do not --

Q. -- relating to biometric security?

A. I do not recall.

Q. Were there any other projects you were working on relating to biometric security in 2015?

A. I think that's when the Qualcomm project was -- it included 2015.

Q. Are you familiar with systems that capture images of the visible vasculature of human eyes?

1 **A. I am aware of such systems.**
2 Q. Okay. Can you name any particular systems that
3 capture images of the visible vasculature of human eyes
4 that you have worked on?
5 **A. I have not worked --**
6 MR. MOONEY: Objection. Form.
7 THE WITNESS: I have not worked on systems to
8 capture visible vasculature of human eyes.
9 BY MR. JOHNS:
10 Q. Are you familiar with systems that capture
11 facial images for biometric purposes?
12 **A. Yes.**
13 Q. Can you name any particular systems involving
14 capturing facial images for biometric purposes that you
15 have worked on?
16 MR. MOONEY: Objection. Form.
17 THE WITNESS: I have not worked on facial image
18 capture for biometric security.
19 BY MR. JOHNS:
20 Q. Okay. My question was a little bit broader
21 than that. Have you worked on any systems involving
22 capturing facial images for biometric purposes that you
23 have worked on?
24 MR. MOONEY: Objection. Form.
25 THE WITNESS: I have not worked on facial image

capture systems for the purposes of biometric security.
BY MR. JOHNS:
Q. Have you worked on any systems relating to facial images for any biometric purposes?
MR. MOONEY: Objection. Form.
THE WITNESS: I have not worked on any systems for facial image capture for biometric purpose.
BY MR. JOHNS:
Q. Are you familiar with systems involving facial liveness detection?
A. I am aware of those systems.
Q. Can you name any particular systems involving facial liveness detection that you have worked on?
MR. MOONEY: Objection. Form.
THE WITNESS: I have not worked on systems for facial liveness detection in a technical capacity.
(Reporter Clarification.)
(Recess.)
BY MR. JOHNS:
Q. Hi again, Dr. Daft. Looking at your declaration, which I think we were looking at right before the break, if you can turn to page 9 -- I'm sorry, your CV -- page 9 of your CV. You list testimony experience. Is this a complete list of all the cases you provided testimony in?

A. These are all of the cases where I provided testimony, at least at deposition.

Q. Okay. Is this a complete list of all legal matters you've worked on?

A. No. I have worked on other legal matters that, for example, were settled before -- before I would have been deposed.

Q. How many matters would you say you worked on that ended before you would have been deposed?

A. I'm going to guess 15 other matters.

Q. Have you worked for Jumio Corporation on any legal matters other than these IPR proceedings that are the subject of this deposition?

A. I have not.

Q. You -- do you recall that these IPRs were originally filed by a different law firm?

A. I do recall that.

Q. Do you recall the name of that law firm?

A. Perkins Coie.

Q. So earlier you said you worked with lawyers to prepare your declaration. Were you working with lawyers at Perkins Coie to prepare your declaration?

MR. MOONEY: Objection. Form.

THE WITNESS: I did work with lawyers from Perkins Coie.

BY MR. JOHNS:

Q. Did you have an engagement agreement with Perkins Coie?

A. I did.

Q. Do you have a new engagement agreement with Morrison Foerster?

A. I do.

Q. Okay. Who did you work with at Perkins Coie?

A. There were several attorneys, as I recall.

Q. Do you recall any of their names?

A. One of the attorneys I worked with, his name was David Pekarek Krohn.

Q. Do you recall any other names?

A. I don't clearly recall the names of the others. There were several.

Q. And while you were working with Perkins Coie, who did you send any invoices to?

A. To David Pekarek Krohn.

Q. And have you continued to send your invoices to David Pekarek Krohn the entire time that you have worked on these IPRs?

A. The invoices that pertained to these IPRs, I have sent to him.

Q. Does that include any invoices relating to preparation for this deposition?

1 **A. It does not.**
2 Q. Have you sent invoices to somebody else
3 since -- while preparing for this deposition?
4 **A. I have not.**
5 Q. So you have just -- have you continued to send
6 invoices to David Pekarek Krohn while preparing for this
7 deposition?
8 **A. I have not.**
9 Q. Have you sent any invoices to anyone relating
10 to preparing for this deposition?
11 **A. I have not.**
12 Q. Have you been paid for your work on these
13 matters at all?
14 **A. I have been paid for my work.**
15 Q. Do you have an hourly rate that you charge?
16 **A. In paragraph 6 of the declaration, you will see**
17 **that I have stated that I am being compensated for my**
18 **work in my standard hourly rate of $550 and also for**
19 **travel expenses.**
20 Q. Okay. Has your rate of $550 changed at all
21 during the course of filing this IPR to today?
22 **A. It has.**
23 Q. How much is it now?
24 **A. $600.**
25 Q. And this $600 per hour rate, is that a rate

that will be invoiced for the preparation for this deposition and for this deposition itself?

A. That's correct.

Q. Who will you be sending your invoices to for the preparation for this deposition and the deposition itself?

A. To Morrison Foerster.

Q. Looking at pages 4 to 6 of your CV, starting at the very bottom of page 4, you have a rather impressive list of publications. I think there are 27 of them. Is this a full and complete list of all your academic publications?

A. I believe it is.

Q. Do you have any academic publications in the biometrics field?

MR. MOONEY: Objection. Form.

THE WITNESS: Yes, I do.

BY MR. JOHNS:

Q. Okay. Which -- is it listed on one of pages 4 through 6?

A. Yes. There is biometric content in the paper that is labeled 3 on page 5.

Q. So that is entitled "Neural Networks for Image Analysis"; is that right?

A. That is correct.

Q. Okay. Can you describe the biometric content in the paper numbered 3?

MR. MOONEY: Objection. Form.

THE WITNESS: This was some of the background academic material that I was using for the project that I mentioned with Lockheed on fingerprint recognition.

BY MR. JOHNS:

Q. Did Paper Number 3 discuss any other forms of biometric security or biometrics?

A. They did not.

Q. Okay. Other than your work -- I'm sorry, strike that.

Looking at pages 3 to 4, again, you list a pretty impressive number of issued patents and pending patent applications.

Do you see that?

A. I do see that.

Q. Are these all of your issued patents and pending patent applications on pages 3 and 4?

A. I believe this is a complete list.

Q. Okay. So I'm going to also ask you to pull up your declaration. On page 27, in paragraph 14, you state that you have been involved in computer vision work.

Do you see that?

A. Yes.

Q. In that paragraph, spanning pages 27 and 28, you list three provisional patent applications; is that correct?

A. Yes, it is.

Q. So are these the only three applications that are relevant to your work in computer vision?

A. Recently, I've done a lot of innovation involving computer vision. These three are patent applications with the largest amount of computer vision content. There may be computer vision content in some of the other patent applications I have filed.

MR. JOHNS: I am going to present you with a document.

THE WITNESS: Thank you.

(Exhibit 2032 was marked for identification.)

BY MR. JOHNS:

Q. So, on the first page of this document, do you see a related U.S. application data field on the left side?

A. I do see that field.

Q. Do you see a provisional application number listed?

A. I see a provisional application number.

Q. What number is that?

A. 63/589,928.

Q. Is this one of the applications that's listed in your CV and in your declaration?

A. I see that number in my declaration, and I see it listed in my CV.

Q. Okay. Do you see the abstract on the right side of the document on the first page?

A. I see the abstract, yes.

Q. Could you read that first sentence for me?

A. "A transcranial Focused Ultrasound (tFUS) system employs a probe array for steering and focusing a neuromodulation beam, wherein the probe array comprises an array of piezoelectric elements and the size of each element is larger in elevation than azimuth."

Q. Okay. What is transcranial Focused Ultrasound?

A. That means placing a transducer on the head of a subject, producing acoustic waves that travel into the brain and focusing those ultrasonic waves.

Q. So transcranial Focused Ultrasound is used to create an image of something inside the body; is that right?

A. Not necessarily.

Q. Could you explain what transcranial Focused Ultrasound is used for?

A. transcranial Focused Ultrasound has a variety of purposes. The object of this patent application is to use it as a means of treating common mental health issues.

MR. JOHNS: Okay. I would like to give you another document. I think we will have to mark as 2033.

(Exhibit 2033 was marked for identification.)

BY MR. JOHNS:

Q. Do you recognize this document, Dr. Daft?

A. I do recognize it.

Q. Again, on the left side, do you see a related U.S. application data field?

A. I do.

Q. What is the provisional application number listed in that field?

A. It is 63/601,577.

Q. And is that provisional application number one of the application numbers you list in paragraph 14 of the application?

A. I see that it is.

Q. On the right side, do you see the abstract field?

A. I do see the abstract field.

Q. Can you read the first sentence?

A. "A TUS (transcranial ultrasound) system with a matrix array transducer in a wearable format is disclosed."

Q. Can you explain what transcranial ultrasound is?

A. This means the same as the acronym tFUS that is in the abstract of the prior patent application.

Q. So there are no differences between tFUS and TUS?

A. Not a lot. I stopped in my patent applications referring to tFUS when I recognized clinical benefit in ultrasonic fields that were not necessarily focused. So this "F" in the acronym did not seem to be helpful. And so I began to just call it TUS.

Q. So, again, I think I understood TFUS and TUS, they are both about placing a transducer on the head of a subject for producing acoustic waves that go into the brain; is that correct?

A. That's correct. In the field, both acronyms are used.

Q. So for TUS or tFUS, the -- is any image of the inside of the brain produced?

A. In these applications but not in all TUS systems, an image of the brain is produced.

Q. Does this patent application that we're looking

at right now utilize transcranial imaging to verify biometrics?

A. This patent application uses transcranial information to acquire biometric data.

Q. Is that biometric data used for biometric security purposes?

MR. MOONEY: Objection. Form.

THE WITNESS: The thrust of this patent is not for biometric security; however, the design of these systems includes very high levels of security in order to protect the privacy of the patient.

BY MR. JOHNS:

Q. So, when you are referring to security in that context, are you referring to security of biometric data? Or are you referring to security of data secured by biometrics? Or something else?

MR. MOONEY: Objection. Form.

THE WITNESS: In these patents, the focus is on protection of the biometric data which the system acquires as part of its operation. And it needs to acquire that in order to direct the therapeutic ultrasound to the right locations.

BY MR. JOHNS:

Q. Can you show me where in this publication, Exhibit 2033, that security is discussed?

A. In paragraph 29 of this patent application, there is a description of the diagram labeled Figure 2. And you will see that there is labeled 138, "Secure Network Device, and the application says that "All communication with the TUS system is through the secure network device 130. This allows for authentication and encryption of all communications."

That means protection of the biometric data acquired from the patient, "tamper detection, protection against side-channel attacks, and isolation of the subject device and the internet from the operation of the TUS wearable," which is 120.

Q. What you just read in paragraph 29 and paragraph 30, in your opinion, is that what -- does that refer to biometric security?

A. These hardware and firmware components are described in the paragraphs 29 and 30. Their purpose is to secure the biometric data acquired by their system.

Q. So, in your CV on page 7, when you referred to technical consulting and expert witness practice, you list biometric security.

Do you see that?

A. I see that.

Q. So does the biometric security in this paragraph refer to the portions of Exhibit 2032, 2033

that you just read?

MR. MOONEY: Objection. Form.

THE WITNESS: Yes. I think that this would fall under the -- so the invention in this patent application falls under the description of biometric security.

BY MR. JOHNS:

Q. If we can go back to Exhibit 2032, then.

A. I'm not sure which of those patent applications.

Q. I'm sorry. It is the publication number ending in -215 at the top right?

A. Okay.

MR. MOONEY: Actually, Counsel, it is probably useful for the witness to have exhibit numbers on the documents in front of him.

(Discussion held off the record.)

BY MR. JOHNS:

Q. 2032.

A. Okay.

Q. Does this patent application that we're looking at right now utilize transcranial imaging to verify biometrics?

A. It utilizes transcranial imaging to acquire biometric data of the patient.

Q. Is that biometric data used for biometric security purposes?

MR. MOONEY: Objection. Form.

THE WITNESS: The biometric data this patent acquires is not used to authenticate the patient.

BY MR. JOHNS:

Q. Is there anything in this application that you feel relates to biometric security?

A. In paragraph 33 of this patent application, it discusses -- and this is like the second sentence -- "during product development, a large amount of volume data from many subjects is acquired using a matrix ultrasound probe. Subsequently, in the clinic, slice data is evaluated by artificial intelligence performed by an AI-capable processor and a computer," and then it then goes on to describe what is done with that data.

All that data is biometric data and would be required to be secured.

Q. So the portion that you just read in paragraph 33, are you referring to the security of biometric data? Or are you referring to the security of data secured by biometrics? Or something else?

MR. MOONEY: Objection. Form.

THE WITNESS: I am referring to the security of the biometric data this system is creating.

BY MR. JOHNS:

Q. Okay. If we can move back to your declaration, which is Exhibit 1004. I'm sorry, Exhibit 1003. In paragraph 15 of your declaration, you list a number of awards.

Do you see that?

A. Yes, I see that.

Q. If I understand correctly, you received a senior key expert designation during your time at Siemens; is that right?

A. Yes, that's right.

Q. And while you were at Siemens, you worked on their silicon ultrasound project; is that right?

A. I was involved with a startup that was purchased by Siemens, and that startup was the silicon ultrasound project that Siemens then continued to develop.

Q. What is the name of the startup that you were at that was purchased by Siemens?

A. That's Sensant Corporation.

Q. So, if I recall from your CV, you started working at Siemens in 2005. Does that sound correct?

A. Yes, that's correct.

Q. So you worked at Siemens until 2011; is that right?

A. Yes, that's correct.

Q. When you were at Siemens, did you work in the ultrasound division?

A. Yes, that's correct.

Q. A lot of your work at Siemens related to ultrasound imaging systems; is that correct?

A. That's correct. I'm a physics-and-waves kind of guy.

Q. When you were at Siemens, did you work on any biometric security products?

MR. MOONEY: Objection. Form.

THE WITNESS: I did not.

BY MR. JOHNS:

Q. Looking at your declaration again, you say that you received the Whitney Technical Achievement Award for a software package during your time at General Electric.

Do you see that?

A. Yes, I see that.

Q. And also in paragraph 15, you received the Dushman Award for your contributions to GE's first premium ultrasound imager; is that correct?

A. That's also correct.

Q. So, when you were at GE, you also worked on their ultrasound products; is that right?

A. GE at that time was a conglomerate that worked

1 **in a number of areas. So it wasn't all ultrasound work,**
2 **but it was mostly so.**
3 Q. You worked in the corporate R&D department; is
4 that right?
5 **A. Yes. That was a companywide resource that the**
6 **various businesses would fund research projects at.**
7 Q. So, during your time at GE in the corporate R&D
8 department, did the majority of your work relate to
9 ultrasound technology?
10 **A. That's fair.**
11 Q. And during your time at GE in the corporate
12 R&D, did you work on any biometric security systems?
13 **A. I worked on the project with Lockheed Martin**
14 **that I had mentioned before.**
15 Q. Did you work on any other projects during your
16 time at GE relating to biometric security?
17 **A. I don't recall any others.**
18 Q. Okay. On page 8 of your CV, it talks about
19 your time at Sensant Corporation.
20 Do you see that?
21 **A. Yes, I do.**
22 Q. And during your time at Sensant Corporation,
23 you worked on their ultrasound products as well; is that
24 right?
25 **A. It was a bit broader than that. We were**

developing micromachined sensor technology, and some of that was for diagnostic ultrasound, but the company saw it as a platform technology that could be deployed in a variety of areas.

Q. When you were at Sensant working on this micromachined sensor technology, did you work on any biometric security systems?

A. We had a lot of different applications. We did gas flow. We did therapeutic ultrasound. Right now, I am not recalling biometric security application.

Q. Okay. Just to go a bit broader, during your time at Sensant Corporation -- during the entirety of your time at Sensant Corporation, did you work on any biometric security systems?

A. I don't recall any such projects.

Q. Going back to page 7 of your CV, you list that you were at Cephasonics Incorporated, which was previously known as Samplify. Did I understand that correctly?

A. Yes, that's correct. The company changed its name. It forked into two companies, and the part that I ended up in was Cephasonics, and there was another group that retained the name Samplify. So it was Samplify when I joined, Cephasonics when I left.

Q. I see. So, during your time at Samplify

Systems, did you also work on their ultrasound products?

A. This was a fabless semiconductor company -- (Reporter Clarification.)

THE WITNESS: Fabless. It means it's a semiconductor company that does not own factory for making chips.

So, as a fabless semiconductor company, Samplify and Cephasonics was making electronic products that were subsystems for ultrasound -- for ultrasound systems. So it was making a part that another manufacturer would incorporate into its product.

BY MR. JOHNS:

Q. So just again, while you were at Samplify Systems, did you work on ultrasound products? Or did you work on something else?

MR. MOONEY: Object to form.

THE WITNESS: Most of Samplify's developments were in the field of chips for ultrasound. There was also work on data compression. And so there was a smaller effort that was realtime data compression.

BY MR. JOHNS:

Q. Did you work on realtime data compression during your time at Samplify?

A. That was part of the early systems I was developing there.

Q. Did you work on any systems -- sorry. Did you work on any biometric security systems while you were at Samplify?

A. Samplify was a component vendor, and the electronics could be used in many ways.

I was not developing chips that were explicitly for biometric security.

Q. Did you have any experience with biometric security systems when you were at Samplify?

MR. MOONEY: Objection. Form.

THE WITNESS: The management of Samplify may have talked to biometric security potential customers, but I do not have a good recollection of what those discussions were.

BY MR. JOHNS:

Q. Okay. And if I recall correctly, you said that Samplify -- Cephasonics split off from Samplify; is that correct?

A. That's a fair description, yes.

Q. Okay. And you went with Cephasonics when that happened; is that right?

A. That is correct.

Q. So, when you were at Cephasonics, were you working on Cephasonics ultrasound products?

A. Yes, I was.

Q. Did you work on any biometric security systems while you were at Cephasonics?

A. Not directly. Again, it was chips for a subsystem, and there was potential for the chips to be used in many ways. But they were not being designed explicitly for biometric security systems.

Q. Okay. Going back to page 8 of your CV, when you worked at the University of Illinois at Urbana-Champaign, do you see that at the bottom of the page?

A. Yes, I do.

Q. Did you do research in scanning laser acoustic microscopy?

A. Yes, I did.

Q. Did you do research in ultrasonic imaging?

A. I did. This scanning laser acoustic microscopy involves both light and sound.

Q. Okay. Did you perform any research in biometric security while you were at UIUC?

MR. MOONEY: Objection. Form.

THE WITNESS: I did not.

BY MR. JOHNS:

Q. It says you taught undergraduate courses in circuit theory, medical imaging, and acoustics; is that correct?

A. That is correct.

Q. Did you teach any courses on biometric security while you were at the University of Illinois?

A. I taught bioengineering courses that involved the acquisition of biometric data. I did not specifically teach about biometric security in those courses.

Q. It also says you were a thesis advisor for masters' students and undergraduate senior projects; is that correct?

A. Yes, that's correct.

Q. And did you advise on any theses or undergraduate senior projects relating to biometric security?

A. I did not.

Q. Back to your declaration in paragraph 15 -- we can strike that question.

A. Actually, we've been going now --

MR. JOHNS: We've been going for about an hour, maybe more. Happy to take a break.

MR. MOONEY: That's fair.

(Recess.)

BY MR. JOHNS:

Q. Hi, Dr. Daft, how are you?

A. I'm fine.

Q. Did you have a good break?

A. I did.

Q. Did you speak with anybody during that break?

A. I discussed the AI wars with the gentleman here.

Q. Always an exciting topic. So going back to the last page of your CV, Exhibit 1004, we discussed these cases that you gave testimony in; is that correct?

A. Yes, that's correct.

Q. I'd like to focus on a few of them. Looking at Case Number 1, Hologic versus Fujifilm.

Do you see that case?

A. Yes, I do.

Q. Which side did you represent in that case?

MR. MOONEY: Objection. Form.

BY MR. JOHNS:

Q. Let me rephrase that. Were you hired to give testimony for a particular party in that case?

A. I was retained by counsel for Fujifilm.

Q. Was Case Number 1 a patent case?

A. Yes.

Q. What was the technology involved in Case Number 1?

A. The technology involved was broadly X-ray breat imaging. The particular technology was X-ray

tomosynthesis.

Q. Was Case Number 1 related to biometric security?

A. It was not.

Q. Was Case Number 1 related to facial liveness detection?

A. It was not.

Q. Case Number 2, were you hired for Case Number 2 by Fujifilm?

A. I was retained by counsel for Fujifilm in Case Number 2.

Q. What was the technology involved in Case Number 2?

A. The same technology as Case Number 1.

Q. So Case Number 2 also was not related to biometric security; right?

A. Case Number 2 is not related to biometric security.

Q. Was Case Number 2 related to facial liveness detection?

A. It was not.

Q. Case Number 3, which side did you give testimony for in Case Number 3?

A. I was retained by counsel for the plaintiff in Case Number 3.

Q. And who was the plaintiff in Case Number 3?

A. An individual, Mr. Lobo.

Q. Was case number 3 a patent-related case?

A. It was not a patent case.

Q. What was the technology involved in Case Number 3?

A. The technology in Case Number 3 involved software for mobile radio systems.

Q. Was this case related to biometric security?

A. No, it wasn't.

Q. Was Case Number 3 related to facial liveness detection?

A. It was not.

Q. Looking at Case Number 4, which side did you give testimony on behalf of Case Number 4?

A. I was retained by counsel for Garmin and Fitbit.

Q. Were there patents involved in Case Number 4?

A. Yes, there were.

Q. What was the technology involved in Case Number 4?

A. These were optical systems, wearable optical systems to acquire health information from the wearer.

Q. What sort of health was acquired from the wearer as -- in the technology that you referred to?

MR. MOONEY: Objection. Form.

THE WITNESS: A variety of metrics including heart rate and blood oxygen saturation.

BY MR. JOHNS:

Q. Did the technology involved in Case 4 relate to capturing facial images?

A. It did not.

Q. Did the technology in Case Number 4 relate to biometric security?

A. It did not.

Q. Did the technology in Case Number 4 relate to facial liveness detection?

A. It did not.

Q. Case Number 5, which of the parties did you offer testimony on behalf of?

A. I was retained by counsel for BTL Industries.

Q. Were there patents involved in case number 5?

A. Yes, there were.

Q. What was the technology involved in Case Number 5?

A. The technology involved transmitting magnetic fields into body for aesthetic purposes, such as firming muscle and reducing fat.

Q. Was this case related to biometric security?

A. It was not.

Q. Was this case related to facial liveness detection?

A. It was not.

Q. Case Number 6, which of the parties did you offer testimony on behalf of?

A. I was retained by counsel for Dr. Lamego.

Q. Were there patents involved in Case Number 6?

A. Yes, there were.

Q. What was the technology involved in Case Number 6?

A. This involved optical systems that measure biometric information from the wearer of the device.

Q. Was this case related to biometric security?

A. It was not.

Q. Was this case related to facial liveness detection?

A. It was not.

Q. Case Number 7, which of the parties did you offer testimony on behalf of?

A. I was retained by counsel for Mr. Howe in this case.

Q. Were there patents involved in this case?

A. There were not.

Q. Was there technology involved in this case that you provided a technical opinion about?

A. Yes. The technology involved were biometric time clocks.

Q. Did you offer yourself as an expert in biometric security in this case?

MR. MOONEY: Objection. Form.

THE WITNESS: The court found that I was qualified in the technology of this case.

BY MR. JOHNS:

Q. Did the court qualify you as an expert in biometric security in this case?

A. This case did involve biometric security.

Q. Did the court qualify you as an expert in biometric security?

A. I do not recall exactly what the court said about me.

MR. JOHNS: I am going to hand you a document.

(Exhibit 2034 was marked for identification.)

BY MR. JOHNS:

Q. Dr. Daft, do you recognize Exhibit 2034?

A. I do.

Q. Have you seen this document before?

A. Yes.

Q. On page 9, there's a section entitled "Analysis."

1 Do you see that?
2 **A. I see that.**
3 Q. Can you please read the last sentence of the
4 first paragraph of that section on page 9?
5 **A. "He has worked on the development of 'biosensor**
6 **systems' and at least one fingerprint scanner and**
7 **considers himself an expert in 'biosensing' technology."**
8 Q. So is it fair to say that you offered yourself
9 as an expert in biosensing technology in this case?
10 **A. That isn't exactly the word that I would use,**
11 **but I see that's what the court said here.**
12 Q. Was this case related to biometric security?
13 **A. Yes, it was.**
14 Q. Can you please explain how this case was
15 related to biometric security?
16 **A. The technology at issue was biometric time**
17 **clocks used by employees of Speedway.**
18 Q. What sort of biometrics did these biometric
19 time clocks record?
20 **A. The biometric time clocks recorded**
21 **fingerprints.**
22 Q. Did the biometric time clocks record any other
23 type of biometric?
24 **A. I don't believe so. The other capability they**
25 **had involved employee ID cards.**

Q. Do you recall if the biometric time clocks could capture or record facial biometrics?

A. As I sit here today, I don't recall it would do that.

Q. Sorry, just to be clear, you don't recall that they could do that, or you don't recall whether they could do that or not?

A. I believe the particular clocks at issue in this case had fingerprint and ID card capability.

Q. Do you recall if the fingerprints were captured using these biometric time clocks with visual means?

A. As I recall, it was an optical type of fingerprint sensor that these time clocks used.

Q. Did the biometric time clocks use ultrasonic imaging to capture fingerprints?

A. From what I reviewed, I did not believe they used ultrasound.

Q. Was this case related to facial liveness detection?

A. It was not.

Q. Do you recall the areas your testimony was offered in this case?

A. My deposition for this was some time ago in 2021. So -- but I see that there is information about that at the bottom of page 9.

Q. Yes. On page 9, there are -- pages 9 and 10, there are five different areas that your opinions were offered in.

Do you see that?

A. Yes, I see that.

Q. Which of these five items, if any, relate to biometric security, in your opinion?

A. I'm sorry. Could you be a bit more specific about that question?

Q. Sure. There are five items listed in the last paragraph on page 9 on to page 10. Which of those areas that you offered opinions in relate to biometric security?

A. It seems that all of these have some connection to the field of biometric security.

Q. Okay. Did the court in this case qualify you as an expert in biometric security?

A. My understanding of the history of this case is that, after this document was issued by the court, the parties settled. So it did -- so I did a deposition, but I did not do -- do a trial testimony because the matter had settled.

Q. So the court did not qualify you as an expert in biometric security; is that right?

A. I did not testify at trial.

1 Q. And I think I may have asked this before, but
2 had you seen this document before today?
3 **A. Yes, I have.**
4 Q. Did you know that the court barred you from
5 providing opinions on whether the template created from
6 the fingerprint scan is biometric information under the
7 BIPA?
8 MR. MOONEY: Objection. Form.
9 THE WITNESS: I see that, at the bottom of page
10 11, the court says that "expert testimony about the
11 meaning of the statute and regulations is a subject for
12 the court and not for testimonial experts."
13 BY MR. JOHNS:
14 Q. Can you turn to page 13 of this document,
15 please. And the first full paragraph, about halfway
16 down, do you see where it says, "Daft is barred from
17 offering opinions that Speedway's time clocks collect a
18 'fingerprint' that is a 'biometric identifier' under
19 BIPA and that the Template created from the fingerprint
20 is 'biometric information'"?
21 **A. I see that text.**
22 Q. Did you know that the court barred you from
23 providing -- from offering these opinions in this area?
24 **A. I have read this document.**
25 Q. So you did know before today that the court had

1 barred you from providing opinions in the area listed in
2 page 13?
3 **A. I had read before today the paragraph here that**
4 **you are pointing to.**
5 Q. So this information is not new to you; is that
6 correct?
7 **A. It is not new to me.**
8 Q. Did you mention that you had been barred from
9 offering these opinions in your CV?
10 **A. I did not.**
11 Q. Did you mention that you have been barred from
12 offering these opinions in your declaration?
13 **A. I did not.**
14 Q. Why did you not mention that you had been
15 barred from offering these opinions in your CV in your
16 declaration?
17 **A. I discussed this document with --**
18 MR. MOONEY: I will caution the witness not to
19 reveal any discussions with counsel.
20 To the extent you can otherwise respond, go
21 ahead.
22 THE WITNESS: Could you repeat the question,
23 please.
24 BY MR. JOHNS:
25 Q. Why did you not mention that you had been

barred from offering these opinions in your CV or in your declaration?

MR. MOONEY: Same objection. Don't reveal any discussions with counsel based on attorney-client privilege or attorney work product.

To the extent you can otherwise respond to the question, go ahead.

THE WITNESS: I don't think I can respond to the question without revealing conversations with counsel.

BY MR. JOHNS:

Q. Going back to your CV for a second, Case Number 8, which of the parties did you offer testimony on behalf of in Case Number 8?

A. I was retained by counsel for ReCor Medical and Otsuka Medical Devices.

Q. Were there patents involved in Case Number 8?

A. Yes, there were.

Q. What was the technology involved in Case Number 8?

A. The technology was minimally invasive methods for renal denervation, which means altering the way that nerves near the kidney operate.

Q. Sorry. Was that denervation?

A. Denervation, d-e-n-e-r-v-a-t-i-o-n.

Q. Was Case Number 8 related to biometric security?

A. It was not.

Q. Was Case Number 8 related to facial liveness detection?

A. It was not.

Q. Case Number 9, which of the parties did you offer testimony on behalf of?

A. I was retained by counsel for HMD Global Oy.

Q. Was this a patent case?

A. Yes, it was.

Q. What was the technology involved in this case?

A. Biometric security for cell phones.

Q. Did you take the stand in this case?

A. I did not.

Q. Did the court in Case Number 9 qualify you as an expert in biometric security?

A. I don't know what the court said about me, if anything. I did two depositions, and then the case settled.

Q. To the best of your recollection, did the court in this case qualify you as an expert in biometric security?

A. I don't recall reading a document from the court that mentioned me.

Q. Okay. Were you aware -- sorry, strike that.
I am going to hand you another document that I think will be 2035.
(Exhibit 2035 was marked for identification.)
BY MR. JOHNS:
Q. Do you recognize this document?
A. I do not.
Q. To confirm, you have not seen this document before?
A. I have not.
Q. Were you aware that the testimony in Case Number 9 that you gave was the subject of a motion to exclude?
A. I was not.
Q. Did the patents in this case relate to facial liveness detection?
A. I don't believe they did.
Q. Did the patents in this case relate to facial biometric security?
A. I don't think so.
Q. Turning back to your declaration, which is Exhibit 1003, a very large document. On page 480, paragraph 1139, you state you were not aware of any secondary considerations of non-obviousness or evidence

sufficient to change your opinions that each of the challenged patents are obvious in view of the prior art.

Do you see that?

A. I do see that.

Q. What kinds of things would make you reconsider or change your opinions that the challenged patents are obvious in view of the prior art?

A. Can you be more specific? Give me examples and then I could perhaps respond to them. What would be your examples of secondary considerations?

Q. Well, I'm asking you what sorts of things could make you reconsider your opinion on obviousness of the patent, if any?

A. Sitting here right now, I can't identify any.

Q. And to be clear, I'm not asking about specific things. I am more curious what categories of things would make you reconsider your opinion that these patents are obvious in view of the prior art?

A. Sitting here right now, I can't point to any categories.

Q. Would evidence of commercial success of a product embodying the patent make you reconsider your opinion on obviousness?

MR. MOONEY: Objection. Form.

THE WITNESS: I need to look at the evidence

before I could form an opinion.

BY MR. JOHNS:

Q. Is it possible that there is evidence of commercial success of a product embodying a patent that would make you reconsider an opinion on obviousness?

MR. MOONEY: Objection. Form.

THE WITNESS: Anything is possible, but I would need to see the specifics of the commercial success.

BY MR. JOHNS:

Q. Would evidence of unexpected results of a patented invention make you reconsider your opinion on obviousness?

A. Again, anything is possible, but I would need to see the specific evidence before I could form an opinion.

Q. Would evidence of long felt but previously unsolved needs make you reconsider your opinion on obviousness?

A. Again, anything is possible, but I would need the specific evidence before I could form an opinion.

Q. Would evidence of prior skepticism of experts in the relevant field about a patented invention make you reconsider your opinion on obviousness?

A. Anything is possible, but I would need to see the specific evidence before I could form an opinion on

that matter.

Q. Would evidence of copying of a patented invention make you reconsider your opinion on obviousness?

A. Again, anything is possible, but I could not form an opinion without seeing the specific evidence.

Q. Have you had an opportunity to consider evidence of secondary considerations in any of your past cases?

A. Yes, I have.

Q. Which cases did you consider secondary -- evidence of secondary considerations in?

A. I should say that this is some time ago because my deposition was in 2021. But as I recall, in Case Number 5 listed on page 9 of my CV, secondary considerations were involved in that case.

Q. Were you represented by a party that was challenging the validity of a patent or not challenging the validity of a patent in Case Number 5?

MR. MOONEY: Objection. Form.

BY MR. JOHNS:

Q. Sorry, let me -- if I can strike that.

Were you offering testimony on behalf of a party that was challenging the validity of a patent in Case Number 5?

A. In Case Number 5, I was retained by counsel for the plaintiff.

Q. Was the plaintiff in Case Number 5 asserting the patent or defending against a patent assertion?

A. The plaintiff in this case was asserting the patent.

Q. And in Case Number 5, you -- I believe you said that you reviewed evidence of secondary considerations of non-obviousness; is that correct?

A. I believe that there was material on secondary considerations which I saw, but I am not recalling details of that material.

Q. Do you recall what type of evidence of secondary considerations it was that you saw in Case 5?

A. It was under the headings of the questions that you posed to me a couple of minutes ago under those headings.

Q. Was it under all of the headings that I proposed to you a few minutes ago?

A. At least several of them.

Q. Which categories were they?

A. My memory is fuzzy, and I don't want to speculate. But I do think that the areas that you were asking me about, it did include some of those areas.

Q. Do you recall what about the evidence you

saw -- sorry, strike that.

In Case Number 5, did you believe that the patents were invalid but for the secondary considerations evidence that you reviewed?

MR. MOONEY: Objection. Form.

THE WITNESS: That is not my recollection. I wrote a report with opinions that the patents were valid.

BY MR. JOHNS:

Q. Did your report consider the evidence of secondary considerations that you saw in Case 5?

A. What I'm not remembering clearly is whether the information on the secondary considerations was shown to me before or after my report. I'm fuzzy as to when that information came out.

Q. Did you consider evidence of secondary considerations in any other cases?

A. I may have, but I am not recalling which cases involved secondary considerations.

Q. Did you consider evidence of secondary considerations in any other cases that are not listed on page 9 of your CV?

A. The cases which are not listed on this page didn't get as far as a deposition; so I would be surprised if I had been provided with secondary

1 **consideration evidence in those cases. So I can't be**
2 **certain, but I would be -- I doubt it.**
3 Q. Okay. Turning back to your declaration,
4 Exhibit 1003 -- and this is page 76 -- in paragraph 131,
5 you opine about the level of ordinary skill in the art
6 as of August 2014.
7 Do you see that?
8 **A. Yes, I see that.**
9 Q. Did you come up with that level of ordinary
10 skill in the art?
11 MR. MOONEY: Objection. Form.
12 THE WITNESS: I came up with it and also
13 discussed it with --
14 MR. MOONEY: Caution the witness not to reveal
15 any discussions that you had with counsel, but if you
16 can otherwise respond to the question, go ahead.
17 THE WITNESS: This is my opinion of a person of
18 ordinary skill in the art.
19 BY MR. JOHNS:
20 Q. Did you come up with this level of ordinary
21 skill in the art entirely yourself?
22 MR. MOONEY: Objection. Form.
23 THE WITNESS: In order to not reveal
24 discussions with retaining counsel, I should make a
25 broad top-level statement that this is my opinion and

this was discussed.

BY MR. JOHNS:

Q. Before having a discussion with counsel about this level of ordinary skill in the art, did you come up with this level of ordinary skill in the art yourself?

MR. MOONEY: Objection. Form.

THE WITNESS: I'm not recalling the process, and I'm a little concerned that to try to give you a description would be to go into the discussions with retaining counsel.

BY MR. JOHNS:

Q. Other than yourself, could you name somebody that comes to mind that meets this ordinary skill in the art?

A. For sure. I was an engineering manager at Siemens and working for me as my employees were people with this level of ordinary skill in the art.

Q. Those people that you are referring to, did they have experience in the field of biometric security?

A. They had a bachelor's degree in these engineering disciplines and had experience in computer vision and optics. And so obviously the people working for me were not biometric security specialists, but they meet the criteria of education and the technical experience in the field.

Q. Can you describe the field of optics for me?

A. Optics is a field in physics, and it pertains to light and how light propagates. Optics is the physics of light.

Q. Did you have two years of work experience in the field of optics in August of 2014?

A. Yes, I have.

Q. Did you have two years of work experience in the field of biometrics in August 2014?

A. I had done work in the biometric field, and I had worked for a good deal -- more than two years in related fields.

Q. Had you done two years of work experience in the field of biometrics in August 2014?

A. Putting together my experience at GE and my work at Qualcomm, that would be the two years work experience.

Q. As of August 2014; right?

A. Yes.

Q. Did you have two years of work experience in the field of facial authentication in August of 2014?

A. No, I had not -- I have not had, at that date, the work experience in facial authentication specifically.

Q. Did you have two years of work experience in

the field of computer vision in August of 2014?

A. Yes. I had a lot more than two years' experience in that field at that point.

Q. And by "computer vision," are we talking about the computer vision we discussed earlier with respect to the patents that we reviewed?

MR. MOONEY: Objection. Form.

THE WITNESS: Yes, that's correct.

BY MR. JOHNS:

Q. If a person had a degree in physics and two years of work experience with optics, in your opinion, would they be a person of ordinary skill in the art?

A. That would depend -- you'll see at the end of paragraph 131 that I state that "A formal education would be a substitute for work experience and conversely work experience could substitute for formal education."

Q. Could somebody with two years of work experience in biometrics and facial authentication and a degree in physics be a person of ordinary skill in the art?

MR. MOONEY: Objection. Form.

THE WITNESS: If they had significant academic and work experience in both software development and optics, I could see that person being a person of ordinary skill in the art.

BY MR. JOHNS:

Q. What do you mean by "significant academic and work experience"?

A. That means either taking college courses that pertain to this or working in a technical field and needing to solve problems in these areas.

Q. By "significant academic and work experience," do you mean more than a bachelor's degree and/or more than two years of work experience?

MR. MOONEY: Objection. Form.

THE WITNESS: No. The clause that starts "Such that they would have significant and/or work experience" is fleshing out and qualifying the statements before, which are on the field of the academic degree and the type of work experience.

BY MR. JOHNS:

Q. Could somebody with a bachelor's degree in electrical engineering and more than two years experience with biometrics and facial authentication be a person of ordinary skill in the art?

MR. MOONEY: Objection. Form.

THE WITNESS: As long as that person has significant academic and/or work experience in software development and optics, I would think so.

///

BY MR. JOHNS:

Q. Could somebody with a bachelor's degree in electrical engineering and more than two years experience with biometrics and facial authentication be more qualified than you?

MR. MOONEY: Objection. Form.

THE WITNESS: I do not think so.

BY MR. JOHNS:

Q. Why do you not think so?

A. Because I have been working for more than 30 years in a field which has exactly the same physics as optics; and, therefore, I have a lot more work experience than someone with the bachelor's degree in electrical engineering and the two years work experience. So I think I am more qualified than the -- the bar for a POSITA here.

MR. MOONEY: We have been going for about an hour, Counsel.

MR. JOHNS: I think I'm about done.

MR. MOONEY: If you're good for a break for a few minutes.

MR. JOHNS: We can take a break. I'm done with my questioning.

MR. MOONEY: A break probably makes sense, then.

(Recess.)

EXAMINATION

BY MR. MOONEY:

Q. Good afternoon, Dr. Daft. How are you?

A. Great.

Q. Kyle Mooney representing Jumio, as you are aware.

Do you have Exhibit 1003, which is a copy of your declaration, with you?

A. I do.

Q. And could you turn to paragraph 131 on page 76 of your declaration?

A. Okay, I've got that.

Q. You were asked moments ago about your experience in connection with some of the fields that are identified in paragraph 131; is that right?

A. Yes.

Q. And you testified that you had, as of August 2014, more than two years experience in optics.

Do you recall that?

A. Yes.

Q. And could you please describe your experience in optics as of August 2014?

A. Yes. There's two types of experience involved there. The first is that the diagnostic ultrasound that

I have spent -- I had spent the majority of my time from 1990 to 2014 -- involves exactly the same physics as optics.

And so, in my mind, that is optic experience. Also, I was involved in several projects that bridged ultrasound and optical systems and so those directly involved optical systems.

Q. You testified also that you had more than two years' experience in computer vision as of August 2014.

Do you recall that?

A. Yes, I do.

Q. Can you please describe for me your experience in computer vision as of August 2014?

A. My computer vision experience, as of August 2014, involved interpreting medical images. This is very important because this can aid a physician in producing a better diagnosis.

So I would take the medical imaging data and apply computer vision technique to it in order that the -- in order to help the physician diagnose disease.

Q. You also testified that you had more than two years' experience, as of August 2014, in fields related to biometrics.

Do you recall that?

A. I do.

Q. Can you please describe for me your experience in fields related to biometrics as of August of 2014?

A. Yes. The work experience that I had done involved a project, when I worked at General Electric, that was a biometric fingerprint recognition. And the -- that was for law enforcement and military applications.

As well as that, I had experience when I was a consultant to Qualcomm. And there the biometric work was on an improved way of having fingerprint authentication for cell phones.

Q. And did your work on the biometric fingerprint recognition at General Electric relate to biometric security?

A. It did.

Q. How so?

A. It was involved with the authentication of the identity of people from fingerprint database.

Q. Did your work on the fingerprint identification for cell phones at Qualcomm relate to biometric security?

A. Yes, it did.

Q. How so?

A. The purpose of the subsystem that I developed along with the group at Qualcomm involved getting better

information on a fingerprint than the standard approaches, which you'll see, for example, in an iPhone.

And so the whole point was to authenticate the user of the cell phone.

Q. And so is it correct that, as of August of 2014, you had more than two years of experience in fields relating to biometrics?

A. Yes.

Q. Is it true that, as of August of 2014, you had more than two years' experience in optics?

A. Yes.

Q. And is it also true that, as of August 2014, you had more than two years' experience in computer vision?

A. Yes.

MR. MOONEY: Nothing further.

MR. JOHNS: I don't have anything either.

(The deposition was concluded at 12:16 p.m.)

I certify or declare under declaration under penalty of perjury that the foregoing testimony is true and correct.

Executed this _____ day of _____, 2024, at _____, California.

_____
Dr. Christopher Daft

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, LINDSAY ANNE STOKER, RDR, RMR, CRR, CRC, and Certified Shorthand Reporter of the State of California, does hereby certify:

That the foregoing deposition was taken before me at the time and place therein set forth, at which time the witness was duly sworn by me;

That the statements made on the record were recorded stenographically by me and were thereafter transcribed; said transcript being a true and correct copy of the proceedings thereof;

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof;

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript was not requested/offered on the record.

In witness whereof, I have subscribed my name, this 4th day of September, 2025.

Lindsay A. Stoker, RDR, RMR, CRR, CRC
CA CSR No. 14373

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