UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

\_\_\_\_\_

SONY COMPUTER ENTERTAINMENT AMERICA LLC
Petitioner

v.

APLIX IP HOLDINGS CORPORATION

Patent Owner

Case No. IPR2015-00229

Patent 7,667,692

Case No. IPR2015-00230

Patent 7,463,245

DEPOSITION OF DR. GREGORY F. WELCH

VOLUME I, PAGES 1 - 230

JULY 28 and 29, 2015

(The following is the deposition of DR. GREGORY F. WELCH, taken pursuant to agreement of counsel, at the Hyatt Regency Orlando International Airport Hotel, Orlando, Florida, commencing at approximately 9:02 o'clock a.m., July 28, 2015)



|  | Page 2  |  | Page 4  |
|--|---|--|---|
| 1  | APPEARANCES:  | 1  | A. That's correct.  |
| 2  | On Behalf of the Petitioner:  | 2  | Q. Have you heard patents referred to by their  |
| 3  | Abran Kean  | 3  | last three numbers, "the '245 patent," for example?   |
| 4  | ERISE IP<br>5600 Greenwood Plaza Boulevard, Suite 200   | 4  | A. Yes.   |
| _  | Greenwood Village, Colorado 80111   | 5  | Q. And will it work for you today if we refer   |
| 5  | -   | 6  | to the '245 and the '692 patents?   |
| _  | On Behalf of the Patent Owner:  | 7  | A. Yes.   |
| 6  | Robert J. Gilbertson  | 8  |   |
| 7  | GREENE ESPEL PLLP   |  | Q. All right. I don't necessarily intend to   |
|  | Campbell Mithun Tower, Suite 2200   | 9  | refer to the IPR number every time. I'll probably   |
| 8  | 222 South Ninth Street Minneapolis, Minnesota 55402-3362  | 10   | refer to the '245 petition and the '692 petition.   |
| 9  | Millineapons, Millinesota 33402-3302  | 11   | Will we be communicating if I do that?  |
|  | ALSO APPEARING:   | 12   | A. Yes.   |
| 10   |   | 13   | MR. GILBERTSON: Okay. So just for the   |
| 11   | Callie Pendergrass, Senior Technical<br>Advisor, Erise IP   | 14   | record, I'll note we will have one transcript for this  |
| 12   | Advisor, Litise II  | 15   | deposition for these two IPR proceedings and that   |
| 13   |   | 16   | transcript can be submitted in connection, per our  |
| 14   |   | 17   | agreement, with any of the IPR proceedings.   |
| 15<br>16   |   | 18   | MR. KEAN: Yeah. Just to be clear, that  |
| 17   |   | 19   | works for me, and the only thing I'd ask is that we   |
| 18   |   | 20   | try to be clear about which declaration we're   |
| 19<br>20   |   | 21   | referring to just so the record's clear as we go  |
| 21   |   | 22   | through it.   |
| 22   |   | 23   | MR. GILBERTSON: Makes sense.  |
| 23   |   | 24   | BY MR. GILBERTSON:  |
| 24<br>25   |   | 25   | Q. Dr. Welch, when were you retained by SCEA,   |
| 23   |   |  |   |
|  |   |  |   |
|  | Page 3  |  | Page 5  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | PROCEEDINGS (Witness sworn.)  DR. GREGORY F. WELCH called as a witness, being first duly sworn, was examined and testified as follows: ADVERSE EXAMINATION  BY MR. GILBERTSON: Q. What's your name? A. Gregory Francis Welch. Q. And where do you live? A. Longwood, Florida. Q. You've been retained as an expert witness by Sony Computer Entertainment America LLC? A. That sounds right, yeah. Q. And you represent Sony in connection with seven different interparties' review proceedings involving patents owned by applicants? A. That sounds right, yes. Q. Two of those, for the record, are IPR 2015-00230, that's for the U.S. Patent No. 7,463,245; and the second one is IPR 2015-00229, that's for U.S.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | A. I don't recall. Q. What's your best estimate? A. Probably three, four months prior to the submission of the IPR I would guess. Q. I believe you submitted your declarations in this matter these two matters on November 7th of 2014. Does that sound right? A. I couldn't tell you without looking at them. I really don't remember. Q. Okay. We've got some exhibits here that are materials SCEA has submitted, including your declarations. Let me get those out for you. I'm handing you a copy of Exhibit 1010 from the '245 IPR proceeding. Is that a copy of your declaration in the '245 IPR? A. It appears so, yes. Q. And now I'm handing you a copy of Exhibit 1008 in the '692 IPR proceeding. Is that a copy of your declaration from the '692 IPR? A. Yes.  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | PROCEEDINGS (Witness sworn.)  DR. GREGORY F. WELCH called as a witness, being first duly sworn, was examined and testified as follows: ADVERSE EXAMINATION  BY MR. GILBERTSON: Q. What's your name? A. Gregory Francis Welch. Q. And where do you live? A. Longwood, Florida. Q. You've been retained as an expert witness by Sony Computer Entertainment America LLC? A. That sounds right, yeah. Q. And you represent Sony in connection with seven different interparties' review proceedings involving patents owned by applicants? A. That sounds right, yes. Q. Two of those, for the record, are IPR 2015-00230, that's for the U.S. Patent No. 7,463,245; and the second one is IPR 2015-00229, that's for U.S. Patent No. 7,667,692. I take it, Dr. Welch, you're here to give | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | A. I don't recall. Q. What's your best estimate? A. Probably three, four months prior to the submission of the IPR I would guess. Q. I believe you submitted your declarations in this matter these two matters on November 7th of 2014. Does that sound right? A. I couldn't tell you without looking at them. I really don't remember. Q. Okay. We've got some exhibits here that are materials SCEA has submitted, including your declarations. Let me get those out for you. I'm handing you a copy of Exhibit 1010 from the '245 IPR proceeding. Is that a copy of your declaration in the '245 IPR? A. It appears so, yes. Q. And now I'm handing you a copy of Exhibit 1008 in the '692 IPR proceeding. Is that a copy of your declaration from the '692 IPR? A. Yes. Q. And in both cases are your declarations dated November 7th, 2014? |

2 (Pages 2 to 5)



| retained somewhere around July or Augus of 2014?  A. H's not a recollection, that would just be a guess. I really don't remember. So I know we worked on these for a few months, as I reall, so — I don't remember. No knows, could have been — I could have been retained a year before and only worked on them right before. I really don't remember. Would not not meright before. I really don't remember. I mean it seems a good on the sound on them right before. I really don't remember. I mean it seems a good on the sound have been retained a journal to a work in the July and the control of the sound have been retained in 2014. I find it hard to imagine it would have been earlier.  Q. How much time have you spent on this project of working on the declarations in the 245 and the food in the sound have been earlier.  Q. How much time have you spent on this project of working on the declarations in the 245 and the food in the sound have been earlier.  Q. Okay. If you don't remember precisely. Yeah, I don't remember precisel |    | Page 6   |    | Page 8  |
|--|----|--|----|---|
| a guess. I really don't remember. So I know we worked on these for a few months, as I recall, so— 1 don't remember. You know, could have been - I could have been retained a year before and only worked on them right before. I really don't remember.  9 Q. You don't remember. He was the retained a year before and in 2014 as opposed to 2013?  11 A. Again, I don't remember. I man it seems remember.  12 Page 7  13 If find it hard to imagine it would have been earlier.  14 Q. How much dime have you spent on this project of working on the declarations in the 245 and the 16 Work for me. I have another full-time job, so I do this on the side.  12 A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so I to this on the side.  Q. And what are you a professor of?  A. A professor at the University of Central Florids.  Q. And what are you a professor of?  A. A professor at the University of Central Florids.  Q. And how have you been compensated for your work?  Q. And how have you been compensated for your work?  A. Aproforme?  Q. And how have you been compensated for your work?  A. Cheh.  3 an bourly basis, is that what you're asking?  Q. Sure.  4 A. Cond in decreasing?  Q. Dow have records, and the Institute for Simulation and Training.  1 A. Chen.  4 A. Capin, I may have been and the pattern of the IPRs as a whole, and probably they are specific to the patents, yes.  4 A. Parofon me?  A. Aprior member precises on the patents of the patents, yes.  4 A. Chen.  4 A. Chen.  4 B. Sto, could be 500 per hour.  5 Q. Have you done opper that word the think it has you done?  4 A. Ves.  4 A. Chen.  5 Q. Have they all idon't recall and the force. I really don't recall and then done research for some cineth on a writing of the claritories of the chandogy involved patents?  5 Q. Have they all involved patents, yes. I'm and then done so arriefly frow that does not involve a patent, but I have not yet testified in that matter.  5 Q. H | 1  | retained somewhere around July or August of 2014?      | 1  | A. I don't recall. I think                            |
| worked on these for a few mouths, as I recall, so - been - I could have been retained a year before and only worked on them right before. I really don't remember.  9 Q. You don't remember whether you were retained in 2014 as opposed to 2013?  10 in 2014 as opposed to 2013?  11 find it hard to imagine it would have been earlier. 12 reasonable that I would have been retained in 2014. I for working on the declarations in the 245 and the 692 PBrs?  14 Q. How much time have you spent on this project of working on the declarations in the 245 and the 692 PBrs?  15 of working on the declarations in the 245 and the 692 PBrs?  16 I don't remember precisely. 17 Q. Okay, If you don't remember precisely, Yeah, I don't remember precisely. 28 what's your best estimate of how much time you've spent on the you'v | 2  | A. It's not a recollection, that would just be         | 2  | Is it stated in my declaration? I think               |
| 5   Ldon't remember. You know, could have  | 3  | a guess. I really don't remember. So I know we         | 3  | it's I think it's 500, but I don't recall. Could      |
| 6 been - I could have been retained a year before and only worked on them right before. I really don't remember.  9 Q. You don't remember whether you were retained in 2014. I find it has opposed to 2013?  10 A. Again, I don't remember. I mean it seems reasonable that I would have been retained in 2014. I find it hard to imagine it would have been cardier.  10 Q. How much time have you spent on this project of working on the declarations in the '245 and the '692 PRs?  11 A. So again, I don't remember precisely. Yeah, I follow the remember precisely. Yeah, I follow the remember precisely. Yeah, I follow don't remember the work in don't remember precisely. Yeah, I follow the follow don't remember precisely. Yeah, I follow the follow don't remember follow don't remember follow fol | 4  | worked on these for a few months, as I recall, so      | 4  | be 450, could be 500 per hour.                        |
| only worked on them right before. I really don't remember whether you were retained in 2014 as opposed to 2013?  A. Again, I don't remember. I mean it seems reasonable that I would have been retained in 2014. I find it hard to imagine it would have been earlier. I find it hard to imagine it would have been earlier. Og. How much time have you spent on this project of working on the declarations in the 245 and the 166 regy. PPRs?  A. Again, I don't remember precisely. Yeah, I don | 5  | I don't remember. You know, could have                 | 5  | Q. Have you done expert witness work before?          |
| 8 remember.  Q. You don't remember whether you were retained in 2014 as opposed to 2013?  A. Again, I don't remember. I mean it seems 12 reasonable that I would have been retained in 2014. I find it hard to imagine it would have been earlier.  Q. How much time have you spent on this project of working on the declarations in the '245 and the 16 '692 PRs?  | 6  | been I could have been retained a year before and      | 6  | A. Yes.   |
| 9 Q. You don't remember whether you were retained 10 in 2014 as opposed to 2013? 1 A. Again, I don't remember. I mean it seems reasonable that I would have been retained in 2014. I find it hard to imagine it would have been earlier. 1 Q. How much time have you spent on this project of working on the declarations in the '245 and the '692 IPRs' 1 A. So again, I don't remember precisely. Yeah, 1 I don't remember precisely. Yeah, 2 Q. Okay. If you don't remember precisely. Yeah, 2 What's your best estimate of how much time you've year of work off and on, some numbers of hours per week, so it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really 2 Month of the institute of Simulation and Training. Q. What was the College of Nursing, in Computer Science, and the Institute for Simulation and Training. Q. Do you have records somewhere that would show you how much time you've spent on the '245 and the Institute for Simulation and Training. Q. Do you have records somewhere that would show, and probably they are specific to the patents, yes. 2 A. Pardon me? Q. How have you been compensated for your work in this case? 3 A. Yeah. Yeah. You can be testified in probably seven or eight attent recall in the latest sease where the might be more, might be more, might be more, might be more, might be loes, idon't recall it seess where I did not testify or submit any reports or declarations or anything.  1 Q. O Mat they much time you was processly. 4 A. Lea's see. The first was Nintendo cases were those? 4 A. Lea's see. The first was Nintendo versus Hillerest. It was an International Trade Commission matter.  2 Some were civil cases and some have been institute.  2 Some were civil cases and some have been institute.  3 Q. Have they all involved patents, yes. I'm  4 Page 9  5 A. A professor at the University of Central Florida.  5 Depoint a case right now that does not involve a patent, but I have not yet testiffed, any one with the    | 7  | only worked on them right before. I really don't       | 7  | Q. How much of that have you done?                    |
| in 2014 as opposed to 2013?  A. Again, I don't remember. I mean it seems reasonable that I would have been retained in 2014. I find it hard to imagine it would have been earlier.  Q. How much time have you spent on this project of of working on the declarations in the 245 and the 16 royo. PRs?  A. As again, I don't remember precisely. Yeah, 16 royou protested, 19 Q. Okay. If you don't remember precisely, 19 Q. Okay. If you don't remember precisely, 19 A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really 19 A. A professor at the University of Central Florida.  Page 7  don't recall. I don't recall it being an inordinate amount of work for me. I have another full-time job, 3 so I do this on the side.  Q. What's your other full-time job?  A. A professor at the University of Central Florida.  Q. Do you have records somewhere that would show you how much time you've spent on the 245 and 13 (692 proceedings?  A. Certainly, At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes.  A. Pardon me?  Q. And how have you been compensated for your work?  A. Pardon me?  Q. And how have you been compensated for your work?  A. Pardon me?  Q. How have you been compensated for your work?  A. Yeah.  A. Yeah.  | 8  | remember.  | 8  | A. Since 2008, it's hard to say. I've                 |
| 11 A. Again, I don't remember. I mean it seems 12 reasonable that I would have been earlier. 14 Q. How much time have you spent on this project 15 of working on the declarations in the 245 and the 16 (992 JPRs)? 17 A. So again, I don't remember precisely. 18 I don't remember precisely. 19 Q. Okay. If you don't remember precisely. 20 what's your best estimate of how much time you've 21 spent? 22 A. Again, I think it may have been a few months 23 of work off and on, some numbers of hours per week, so 24 it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really 25 hundred to more or probably not less. But I really 26 A. A professor at the University of Central 27 Florida. 28 A. A professor at the University of Central 29 G. And what are you a professor of? 30 G. And what are you a professor of? 31 G. A. A professor at the University of Central 32 don't recall. I don't recappointments: I'm a professor in the College of Nursing, in Computer Science, and the Institute for Simulation and Training. 31 don't recall tine provive spent on the 245 and 1602 proceedings? 32 A. Certainly. At least certainly for the IPRs 33 as whole, and probably they are specific to the patents, yes. 34 A. Certainly. At least certainly for the IPRs 35 as a whole, and probably they are specific to the patents, yes. 36 A. Pardon me? 37 Q. And what are you been compensated for your work? 38 A. Pardon me? 39 A. Pardon me? 40 A. A gain, I'm only going from memory here. As I mentioned, the first case, that I'r enember because it was a nature related to a variety of matters and a training. The patents of the patents, yes. 30 A. A gain, I think it may have been a few months of work for me. I have another full-time job, so I do this on the side. 41 Q. What's your other full-time job, so I do this on the side. 42 Q. A had what are you a professor of? 43 A. Freib. 44 A. Certainly. At least certainly for the IPRs 45 as a whole, and probably they are specific to the patents, yes. 46 A. Certainly. At le       | 9  | Q. You don't remember whether you were retained        | 9  | testified in probably seven or eight cases maybe      |
| reasonable that I would have been retained in 2014. I find it hard to imagine it would have been earlier.  Q. Own much time have you spen to mits project for working on the declarations in the '245 and the '692 IPKs?'  A. As again, I don't remember precisely. Yeah, 1 don't remember precisely. Q. Okay. If you don't remember precisely. A. Again, I think it may have been a few months of trouble been a few months of the total be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really  Page 7  don't recall. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side. Q. What's your other full-time job? A. A professor at the University of Central Florida. Q. And what are you a professor of in the College of Nursing, in Computer Science, and the Institute for Simulation and Training. Q. Do you how much time you've spent on the '245 and '692 proceedings? A. I have three appointments: I'm a professor in the College of Nursing, in Computer Science, and '692 proceedings? A. Certainly, At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes. Q. And how have you been compensated for your work? A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking? Q. Sure.  A. Yeah.  | 10 | in 2014 as opposed to 2013?                            | 10 | might be more, might be less, I don't recall and      |
| find it hard to imagine it would have been earlier. Q. How much time have you spent on this project of working on the declarations in the '245 and the '692 IPRs? A. So again, I don't remember precisely. Yeah, I I don't remember precisely. Q. Okay. If you don't remember precisely, what's your best estimate of how much time you've spent? A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so ti could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really  Day on the reall. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side. Q. What's your other full-time job? A. A professor at the University of Central C. A. Sure. And to be clear, seven or eight is a guess. I could tell you, I do have records, but sitting her are appointments: I'm a professor in the College of Nursing, in Computer Science, and the Institute for Simulation and Training, Q. Do you have records somewhere that would the Institute for Simulation and Training, Q. Do you have records somewhere that would Show you how much time you've spent on the '245 and the Institute for Simulation and Training, Q. Do you have records somewhere that would Show you how much time you've spent on the '245 and You you have won been compensated for your work in this case? A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking? A. Yeah.  Deep of what records and the patches, yes.  A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking? A. Yeah.  Deep of what records and the professor of years and hourly basis, is that what you're asking? A. Yeah.  Deep of what records somewhere that would A. Yeah.  Deep of what records somewhere that would A. Certainly. At least certainly for the IPRs A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking? A. Yeah.  Deep of what records and the professor of years A. Yeah.  Deep of w    | 11 | A. Again, I don't remember. I mean it seems            | 11 | then done research for some clients on cases where I  |
| Q. How much time have you spent on this project of working on the declarations in the '245 and the of '692 IPRs?  A. So again, I don't remember precisely. Yeah, I don't remember precisely.  Q. Okay. If you don't remember precisely, what's your best estimate of how much time you've spent?  A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really  Page 7  don't recall. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side.  Q. What's your other full-time job? A. A professor at the University of Central Florida. Florida. Q. What's your other full-time job? A. I have three appointments: I'm a professor in the College of Nursing, in Computer Science, and the Institute for Simulation and Training.  Q. Do you have records somewhere that would show you how much time you've spent on the '245 and show you how much time you've spent on the     | 12 | reasonable that I would have been retained in 2014. I  | 12 | did not testify or submit any reports or declarations |
| 15 of working on the declarations in the '245 and the 16' 692 IPRs? 15  16   | 13 | find it hard to imagine it would have been earlier.    | 13 | or anything.  |
| 16 692 IPRs?  A. So again, I don't remember precisely. Yeah, 17 Q. Okay. If you don't remember precisely, 19 Q. Okay. If you don't remember precisely, 20 what's your best estimate of how much time you've 21 spent? 22 A. A gain, I think it may have been a few months 23 of work off and on, some numbers of hours per week, so 24 it could be anywhere from, I don't know, 50 hours to a 25 hundred to more or probably not less. But I really 26 don't recall. I don't recall it being an inordinate 27 amount of work for me. I have another full-time job, 28 so I do this on the side. 29 Q. What's your other full-time job? 30 A. A professor at the University of Central 31 Forida. 32 Q. And what are you a professor of? 33 A. I have three appointments: I'm a professor 34 A. Certainly. At least certainly for the IPRs 35 as a whole, and probably they are specific to the 36 patents, yes. 36 Q. And how have you been compensated for your 37 work in this case? 38 A. I don't understand. How I've been paid, on 38 an hourly basis, is that what you're asking? 39 Q. Sure. 40 Q. Whea. 41 Care lade to my areas of expertise. 42 Q. The seven or eight natters in which you've testified, what kinks of case it estified, what kinks of case it estified, what kinks of cases and some have been matter. 41 Working on a case right now that does not involve a patent, but I have not yet testified in that matter. 42 Q. What's your other full-time job; 43 working on a case right now that does not involve a patent, but I have not yet testified in that matter. 44 Q. What's your other full-time job; 45 A. A professor at the University of Central 46 Florida. 47 Q. And what are you a professor of? 48 A. I have three appointments: I'm a professor of? 49 in the College of Nursing, in Computer Science, and other intercent professor of the college of Nursing, in Computer Science, and other case professor of the college of Nursing, in Computer Science, and other case professor to motion-tracking aspects, so everything from the user-interface aspects to motion-track    | 14 | Q. How much time have you spent on this project        | 14 | Q. What type of research?                             |
| A. So again, I don't remember precisely. Yeah, I don't remember precisely.  Q. Okay. If you don't remember precisely, what's your best estimate of how much time you've spent?  A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really  Page 7  don't recall. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side.  Q. What's your other full-time job?  A. A professor at the University of Central  Florida.  Q. And what are you a professor of?  A. I have three appointments: I'm a professor in the College of Nursing, in Computer Science, and the Institute for Simulation and Training.  Q. Do you have records somewhere that would show you how much time you've spent on the '245 and 10' 592 proceedings?  A. Certainly. At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes.  A. Certainly. At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes.  A. Pardon me?  Q. And how have you been compensated for your work?  A. Pardon me?  Q. How have you been compensated for your work?  A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking?  Q. Sure.  A. Yeah.  | 15 | of working on the declarations in the '245 and the     | 15 | A. Research related to a variety of matters           |
| 18   | 16 | '692 IPRs?   | 16 | that are related to my areas of expertise.            |
| Q. Okay. If you don't remember precisely, what's your best estimate of how much time you've spent?  A. Again, I think it may have been a few months of work off and on, some numbers of hours per week, so it could be anywhere from, I don't know, 50 hours to a hundred to more or probably not less. But I really  Page 7  don't recall. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side.  Q. What's your other full-time job?  A. A professor at the University of Central Florida.  Q. And what are you a professor of?  A. I have three appointments: I'm a professor in the College of Nursing, in Computer Science, and the Institute for Simulation and Training.  Q. Do you have records somewhere that would show you how much time you've spent on the '245 and to gen proceedings?  A. Certainly. At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes.  Q. And how have you been compensated for your work in this case?  A. Pardon me?  Q. How have you been compensated for your work in this case?  A. I don't recall it being an inordinate amount of work for me. I have another full-time job, so I do this on the side.  Q. What's your other full-time job, so I do this on the side.  Q. What's your other full-time job?  A. A professor at the University of Central Florida.  Florida.  Q. And what are you a professor of?  A. I have threy all involved patents?  A. They have all involved patents, yes. I'm  Page 9  working on a case right now that does not involve a patent, but I have not yet testified in that matter.  Q. The seven or eight patent-related cases in which you have testified, can you give me a sense of the technology involved in those cases?  A. Sure. And to be clear, seven or eight is a guess. I could tell you, I do have records, but sitting here right now I don't remember.  The technology would involve various handheld devices and everything from the user-interface aspects to motion-tracking aspects, so everything from mobile p    | 17 | A. So again, I don't remember precisely. Yeah,         | 17 | Q. The seven or eight matters in which you've         |
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| 13 to  14 A. Certainly. At least certainly for the IPRs 15 as a whole, and probably they are specific to the 16 patents, yes. 16 Q. And how have you been compensated for your 17 SCEA, what other cases have you testified in relating 18 work in this case? 19 A. Pardon me? 19 A. Pardon me? 19 A. Again, I'm only going from memory here. As 20 Q. How have you been compensated for your work? 21 A. I don't understand. How I've been paid, on 22 an hourly basis, is that what you're asking? 23 Q. Sure. 24 A. Yeah. 26 Yeah. 27 I guess in testifying, that's probably it, 26 actually. 27 A. Aguin, I'm only going APLIX and 28 to game controllers? 29 I mentioned, the first case, that I remember because it was really the first substantial case I had ever 29 worked on, that was Hillcrest versus Nintendo, and 20 that was, again, an ITC case. For Nintendo I've also 21 testified on a case that was UltimatePointer versus  | 11 | Q. Do you have records somewhere that would            | 11 | interface aspects to motion-tracking aspects, so      |
| A. Certainly. At least certainly for the IPRs as a whole, and probably they are specific to the patents, yes.  Q. And how have you been compensated for your work in this case?  A. Pardon me? Q. How have you been compensated for your work?  A. I don't understand. How I've been paid, on an hourly basis, is that what you're asking?  Q. Sure.  A. Yeah.  I guess in testifying, that's probably it, actually.  Q. Besides the matters involving APLIX and SCEA, what other cases have you testified in relating to game controllers?  A. Again, I'm only going from memory here. As I mentioned, the first case, that I remember because it was really the first substantial case I had ever worked on, that was Hillcrest versus Nintendo, and that was, again, an ITC case. For Nintendo I've also testified on a case that was UltimatePointer versus  | 12 | show you how much time you've spent on the '245 and    | 12 | everything from mobile phones to game controllers     |
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| 24 A. Yeah. 24 testified on a case that was UltimatePointer versus   | 22 | an hourly basis, is that what you're asking?           | 22 | worked on, that was Hillcrest versus Nintendo, and    |
|  | 23 | Q. Sure.   | 23 | that was, again, an ITC case. For Nintendo I've also  |
| Q. And what's the hourly rate? 25 Nintendo, ThinkOptics versus Nintendo, Motion Games  | 24 | A. Yeah.   |    |   |
|  | 25 | Q. And what's the hourly rate?                         | 25 | Nintendo, ThinkOptics versus Nintendo, Motion Games   |
|  |    |  |    |   |

3 (Pages 6 to 9)



|  | Page 10   |  | Page 12   |
|--|---|--|---|
| 1  | versus Nintendo, and I think there were some IPRs   | 1  | conversations, that the content is all mine   |
| 2  | probably in the same matters related to the same to   | 2  | intellectually. Aside from who actually typed the   |
| 3  | those civil cases. Apple or I'm sorry, I guess it   | 3  | words in different places, it's it all is from my   |
| 4  | was HTC versus Apple, and one case at least with  | 4  | head, likely based on questions, I don't recall, from   |
| 5  | also with Sony, a previous case, that was G GTC   | 5  | the Sony attorneys, I guess petitioner's attorneys,   |
| 6  | versus Sony.  | 6  | but would have been questions and answers, and I would  |
| 7  | Q. In all of those cases that you just  | 7  | have given my point of view. And I don't recall   |
| 8  | mentioned, were you representing a company accused of   | 8  | You know, I wrote some. They may have   |
| 9  | patent infringement?  | 9  | drafted some if I had asked them to. As I said, I'm a   |
| 10   | A. I believe the answer is yes. I am working  | 10   | busy, busy guy.   |
| 11   | on and have worked on cases where I've been on the  | 11   | Q. Did you write them?  |
| 12   | plaintiff or complainant's side, but I don't think I  | 12   | MR. KEAN: Same objection.   |
| 13   | have testified in any of those cases, at least not  | 13   | A. If if this were an academic paper, I   |
| 14   | yet.  | 14   | would put my name as the lead author on these. These  |
| 15   | Q. The exhibits that are in front of you, your  | 15   | are intellectually  |
| 16   | declarations in the '245 and '692 matters, would I be   | 16   | Again, the content is all mine.   |
| 17   | right in assuming that they contain a true and  | 17   | Q. But you didn't necessarily write them.   |
| 18   | complete recitation of your testimony and opinions  | 18   | MR. KEAN: Same objection.   |
| 19   | A. Yes.   | 19   | A. I didn't say that.   |
| 20   | Q in those matters?   | 20   | Q. Did you write them?  |
| 21   | A. Yes.   | 21   | MR. KEAN: Same objection, asked and   |
| 22   | Q. Have you reviewed them in preparation for  | 22   | answered.   |
| 23   |   | 23   | A. I mean I would say in  |
| 24   | today's deposition?   | 24   | •   |
| 25   | A. Yes.   | 25   | Yes, I wrote them. I mean there are pieces<br>that were drafted, as I said, by someone else because   |
| 23   | Q. Did you find any errors or changes that you  | 23   | that were drafted, as I said, by someone eise because   |
|  | Dago 11   |  | Dago 12   |
|  | Page 11   |  | Page 13   |
| -  |   |  |   |
| 1  | want to point out?  | 1  | I asked them to for a variety of reasons, but   |
| 2  | want to point out?  A. Nothing that comes to mind at the moment,  | 2  | intellectually everything in there is mine. The   |
|  | A. Nothing that comes to mind at the moment, no.  | 2 3  | intellectually everything in there is mine. The background, the opinions, everything is based on my   |
| 2  | <ul><li>A. Nothing that comes to mind at the moment,</li><li>no.</li><li>Q. How were those declarations prepared?</li></ul>   | 2<br>3<br>4  | intellectually everything in there is mine. The background, the opinions, everything is based on my my thoughts.  |
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4 (Pages 10 to 13)



5 (Pages 14 to 17)



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