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11 transcript has not been proofread, the court
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15 to assist attorneys in their case preparation and
16 is not to be construed as the final transcript.
17 It is not to be read by the witness or quoted in
18 any pleading or for any other purpose and may not
19 be filed with any court.

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

2 whereupon,

4 being first duly sworn or affirmed to testify to
5 the truth, the whole truth, and nothing but the
6 truth, was examined and testified as follows:

7 BY MR. FLEMING:

8 Q. I'm Mike Fleming. I'm with Irell &
9 Manella. And we represent the patent owner.

10 MR. MILKEY: This is Jim Milkey with
11 Irell & Manella also on behalf of the patent
12 owner.

13 MR. PANNO: Nick Panno with DLA Piper.
14 Representing petitioner. And also here today is
15 Rob Williams.

16 THE WITNESS: Patrick Baudisch.

17 BY MR. FLEMING:

18 Q. Can you state your home address, too?

19 A. My home address is orange 10178, Berlin,
20 Germany.

21 Q. You understand you have taken an oath to
22 tell the truth?

23 A. Yes.

24 Q. You understand that this oath is the same
25 force and effect as if given in a court of law

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1 before a judge and jury?

2 A. Yes.

3 Q. Is there anything preventing you from
4 giving full and accurate answers today?

5 A. No.

6 Q. Is there any reason you cannot give your
7 best testimony today?

Page 2

8 A. No.

9 Q. If you do not ask me to clarify a
10 question, I will assume you understood the
11 question; is that fair?

12 A. Yes.

13 Q. Are you represented by counsel today?

14 A. Yes.

15 Q. Can you identify the counsel?

16 A. Counsel here from DLA Piper and --

17 MR. PANNO: Nick Panno.

18 BY MR. FLEMING:

19 Q. You understand that you're under oath
20 even when we take a break?

21 A. Yes.

22 Q. You understand when you are under oath,
23 you are not to discuss the case while on break or
24 with anyone outside of this room?

25 A. Yes.

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1 Q. You understand that when you are under
2 oath, your counsel cannot coach you, act as an
3 immediate, interpret the questions, or help you
4 answer the questions?

5 A. Yes.

6 Q. You understand your counsel cannot
7 instruct you not to answer the questions unless it
8 is necessary to preserve privilege?

9 A. Yes.

10 Q. You understand that unless your counsel
11 instructs you not to answer in order to preserve

Dr Baudisch deposition on May 18 2017 for IPR2016-001372 Draft.txt
12 privilege, you must answer the question.

13 A. Yes.

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

16 A. Yes. I re-read my own report -- sorry,
17 my own declaration, and as well as the relevant
18 patents and applications. And then I also looked
19 at the institution decision, the preliminary
20 institution decision, and I looked at the
21 declaration of the expert on patent owner's side.

22 Q. Were all these documents that you were
23 reviewing part of the record for the IPR?

24 A. Oh, what you're asking is if I reviewed
25 anything outside what's already listed in the -- I

5

1 guess in addition I might have looked things up on
2 the internet, on -- that was yesterday. That was
3 for the case yesterday, I guess.

4 Nothing comes to mind right now.

5 Q. Have you ever been deposed before?

6 A. Including yesterday, that would be my
7 third deposition today.

8 Q. Or testified in a court case?

9 A. I testified a couple of years ago in
10 court for Apple against HTC.

11 Q. Were there any other matters that you've
12 been an expert witness on?

13 A. Only this case, Apple versus HTC.

14 Q. I want to present you a document, the
15 doctor's declaration. I'm giving you

16 Exhibit 1002. It's already part of the record of

Page 4

17 the IPR.

18 (Previously marked Patent Owner
19 Exhibit 1002 marked for identification
20 and attached to the transcript.)

21 BY MR. FLEMING:

22 Q. Can you tell me what this document is?

23 A. It says declaration of Dr. Patrick
24 Baudisch.

25 Q. Is this your declaration?

6

1 A. I think so.

2 Q. Would you just look at it and make sure
3 it's complete and that I've given you everything
4 that you've filed?

5 A. Sure looks like it.

6 Q. What claim constructions did you apply in
7 your declaration?

8 A. So as I'm discussing in my report on
9 pages 14, 15, and 16, several terms were construed
10 including gesture signal, vector signal, onscreen
11 signal, generating a dynamic and rational using a
12 physical model, generating interaction parameter
13 using animation and module.

14 Q. And for your opinion, you used these
15 claim constructions to arrive at your opinion?

16 A. That is correct. And I've since also
17 reviewed the institution decision and the report
18 of the patent owner's expert; and in part, I
19 formed an opinion about those constructions as
20 well.

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