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

APPLE INC.,

v.

Petitioner,

IPR2018-01140

Patent No. 9,402,032

COREPHOTONICS, LTD., IPR2018-01146

Patent No. 9,568,712

Patent Owner.

VIDEOTAPED DEPOSITION OF DUNCAN MOORE, PH.D.

June 7, 2019

Rochester, New York

Reported By:

MICHELLE MUNDT ROCHA

Job no: 25396

TransPerfect Legal Solutions



	Page 2		Page 4
1	Videotaped Deposition of Duncan Moore, Ph.D.	1	APPEARANCES
2	Date: June 7, 2019	2	ATTEARANCES
3	Time: 9:09 a.m.	3	Appearing as the Videographer:
4	Location: Regus Business Center	4	Tim McDonough
	510 Clinton Square	5	1 mm 11-02 ono wgu
5	Rochester, New York 14604	6	
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	Page 3		Page 5
1	APPEARANCES	1	PROCEEDINGS
2	Appearing on Behalf of Petitioner:	2	FRIDAY, JUNE 7, 2019;
3	Jamie H. McDole, Esq.	3	(Proceedings in the above-titled matter
4	Haynes and Boone, LLP	4	commencing at 9:09 a.m.)
5	2323 Victory Avenue, Suite 700	5	* * *
6	Dallas, Texas 75219	6	THE VIDEOGRAPHER: We are about to begin
7 8	jamie.mcdole@haynesboone.com	7 8	the recorded deposition of Dr. Duncan Moore in the
9	Michael S. Parson, Esq. Haynes and Boone, LLP	9	matter of Apple, Incorporated versus Corephotonics, Limited in the United States Patent and Trademark
10	2505 North Plano Road, Suite 4000	10	Office, case IPR 2008-01140. This deposition is being
11	Richardson, Texas 75082-4101	11	held at Regus Rochester, 510 Clinton Square,
12	michael.parsons@haynesboone.com	12	Rochester, New York 14604 on Friday, June 7. The time
13	Priya B. Viswanath, Esq.	13	is 9:09.
14	Cooley LLP	14	My name is Tim McDonough, from the firm of
15	3175 Hanover Street	15	Alliance Court Reporting, and I am the legal video
16	Palo Alto, California 94304-1130	16	specialist. The court reporter is Michelle Rocha, in
17	Pviswanath@cooley.com	17	association with Alliance Court Reporting, East
18		18	Avenue, Rochester, New York.
19	Appearing on Behalf of Patent Owner:	19	Will counsel please introduce themselves
20	Neil A. Rubin, Esq.	20	and whom they represent.
21	Russ August & Kabat	21	MR. MCDOLE: Jamie McDole representing
22	12424 Wilshire Boulevard, 12th Floor	22	Petitioner.  MB. BARSONS, Michael Bergang representing
23 24	Los Angeles, California 90025	23 24	MR. PARSONS: Michael Parsons representing Petitioner.
24 25	nrubin@raklaw.com	25	MS. VISWANATH: Priya Viswanath
43		ر ک	Mis. vis watvatti. Filya viswaliani

2 (Pages 2 to 5)





DUNCAN MOORE, PH.D.  representing Petitioner.  August & Kabat representing the Patent Owner and defending the witness.  THE VIDEOGRAPHER: The court reporter will please swear in the witness, and we may begin.  DUNCAN MOORE, PH.D.  culled herein as a witness, first being sworn, testified as follows:  EXAMINATION BY MR. MCDOLE:  Q. Good morning, Dr. Moore. My name is Jamie McDole. Tepresent Apple in the IPRs that were just listed.  Can we start by stating your full name for the record?  A. Dancan Thornas Moore.  Q. And do you go — are you Ph.D.? Do you go by Dr. Moore?  A. I go mostly by Duncan.  Q. Duncan, okay. Well, for formality sake, left of the record?  The rot going to call you "Duncan" today until the deposition is over. But if call you "Th. Moore."  will you know who 'm referring to?  A. I alva.  Q. How many times?  A. I have.  Q. How many times?  A. I have.  Q. Were those in patent cases?  A. I have.  Q. You understand that the oath requires you to answer truthfully and completely to the questions asked today?  A. I do.  Q. I sake important that you and the the oath requires you to answer truthfully and completely to the questions saked today?  A. I do.  Q. And do you understand that the oath requires you to answer truthfully and completely to the questions saked today?  A. I do.  Q. A a you can see, we have a court reporter staking down everything we say, as well as a videographer. But for the court reporter sake, it's important that you and I do not speak over each other.  A. A you mean the litigants or the — I'm not seem the most received with the security stripe that's on the hundred-dollar-hill currency.  Q. Okay.  A. I do.  Q. A syou can see, we have a court reporter sake, it's important that you and I do not speak over each other.  A. I do.  Q. A you on see, we have a court reporter staking down everything we say, as well as a videographer. But for the court reporter sake, it's important that you and I totally our 'Th. Moore,' will be a videographer. A life the proposal proposal proposal proposal	1	Page 6		Page 8
2 representing Petitioner. 3 MR. RUBIN: And Neil Rubin of Russ 4 August & Kabat representing the Patent Owner and 4 August & Kabat representing the Patent Owner and 5 defending the witness. 6 THE VIDEOGRAPHER: The court reporter will 7 please swear in the witness, and we may begin. 9 called herein as a witness, first being swom, 10 testified as follows: 11 EXAMINATION BY MR. MCDOLF: 12 Q. Good morning, Dr. Moore, My name is Jamie 13 McDole. I represent Apple in the IPRs that were just issed. 14 listed. 15 Can we start by stating your full name for the record? 16 the record? 17 A. Duncan Thomas Moore. 18 Q. And do you go are you Ph.D.? Do you go by Dyncan. 19 Q. Duncan, okay. Well, for formality sake. 21 Q. Duncan, okay. Well, for formality sake. 22 I'm not going to call you "Duncan" today until the deposition is over. But iff call you "Dr. Moore," will you know who I'm referring to? 21 Q. How you ever been deposed before? 22 A. I will. 23 deposition is over. But iff call you "Dr. Moore," will you know who I'm referring to? 24 A. I will. 25 A. I will. 26 Q. How many times? 27 A. I have. 28 Q. How many times? 3 A. I do. 3 A. I do. 3 A. I do. 4 Q. How many times? 4 Q. How many times? 5 A. Three or four. 6 Q. Were those in patent cases? 7 A. Yes. 8 A. I do. 9 Cornect? 9 C. Were those in patent cases? 9 A. I do. 10 A. I do. 11 C. I have the patent of the patent in the past. Those two are the most recent ones. 9 Q. Doay and do you understand that the oath the questions asked today? 14 A. I do. 15 Q. Is there any reason why you cannot give truthfull and complete answers today? 16 Q. As you can see, we have a court reporter staking down everything we say, as well as a videographer. But for the court reporter's sake, it's unportant that you and I do not speak over each other, a taking down everything we say, as well as a videographer. But for the court reporter's sake, it's unportant that you and I do not speak over each other, a taking down everything we say, as well as a videographer. But for the court reporter's s	1 ±	DUNCAN MOORE, PH.D.	1	DUNCAN MOORE, PH.D.
M. R. RUBIN: And Neil Rubin of Russ   4   August & Kabat representing the Patent Owner and defending the witness.   4   Q. And if at any point I cut off one of your answers - you know, sometimes there's a pause, and I'll start a new question. If at any point you please let me know, so I can allow you to limish?   A. I will.   Q. If s also important that you understand a question. If at any point you bear the know, so I can allow you to limish?   A. I will.   Q. If s also important that you understand a question. If at any point you bear the know, so I can allow you to limish?   A. I will.   Q. If s also important that you understand a question, will you let me know?   A. I will.   Q. And if you answer a question, I'm going to assert this had an answer, will you please let me know, so I can allow you to limish?   A. I will.   Q. If s also important that you understand a question, will you let me know?   A. I will.   Q. And if you answer a question, I'm going to assert the first part of my questions today, to make sure we have a complete and accurate record. If you don't understand a question, will you let me know?   A. I will.   Q. And if you answer a question, I'm going to assert the first part of my questions today, to make sure we have a complete and accurate record. If you don't understand a question, will you let me know?   A. I will.   Q. And if you answer a question, I'm going to assert the first part of my questions today, to make sure whave a complete and accurate record. If you don't understand a question, will you let me know?   A. I will.   Q. And if you answer a question, I'm going to assert the first part of my questions today, to make sure whave a court reporter will.   Q. And if you any or are you Ph.D. Doyou go or are you Ph.D. Doyou go   A. I go mostly by Duncan.   A. I go mostly by Duncan.   A. I will.   Q. In the three or four depositions that you have provided testimony, how many of them were IPRs?   A. You mean the litigants or the —I'm not sure that I understand the question. You want to	2		2	
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defending the winess.  HIE VIDLOGRAPHEE: The court reporter will  Diplease swear in the winess, and we may begin.  DUNCAN MOORE, PH.D.,  custified as follows:  Q. Good morning, Dr. Moore, My name is Jamie  Listed.  Can we start by stating your full name for the record?  A. Duncan Thomas Moore.  A. I go mostly by Duncan.  Dy Dr. Moore?  A. I go mostly by Duncan.  Do Duncan, okay, Well, for formality sake,  The mot going to call you "Duncan" today until the deposed before?  A. I will.  DUNCAN MOORE, PILD.  A. I will.  Page 7  DUNCAN MOORE, PILD.  Q. Have you ever been deposed before?  A. I have.  Q. Were those in patent cases?  A. I do.  Q. Yes.  A. I do.  Q. You understand that the oath court reporter will taking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter staking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier.  A. I will.  Istant a new question. If at any low in wheek now, so 1 can allow you to show, so I can allow you to hish?  It should be an answers vou to answers, will you please let me know, a Law I will on Q. And do you gor are you please lating down everything the backet in show the fund eacurate record. If you don't understand a question, will you led secure and court a question stoday, to make her life much easier.  A. I will.  Q. And I was th rimished an answers a question, lift any pout a question			4	
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the record?  A. Duncan Thomas Moore.  Q. And do you go are you Ph.D.? Do you go by Dr. Moore?  A. I go mostly by Duncan.  Q. Duncan, okay. Well, for formality sake, leading to all you "Duncan" today until the deposition is over. But if I call you "Dr. Moore," will you know who I'm referring to?  A. I will.  Page 7  DUNCAN MOORE, PH.D. Q. Have you ever been deposed before? A. I have. Q. How many times? A. There or four. Q. Were those in patent cases? A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthfull and complete answers today? A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter taking down everything we say, as well as a videographer. But for the court reporter taking down everything we say, as well as a videographer. But for the court reporter taking down everything we say, as well as a videographer. But for the court reporter taking down everything we say, as well as a videographer. But for the court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier.  A. Understood.  A. Understood.  A. I have to look that up. It was a Korean company.  A. I was not Samsung.  Q. Was it Samsung?  Q. Was it Samsung?  Q. How about with respect to the security strip on the hundred dollar bill, who did you represent?  A. That was Crane.				
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21 Q. Duncan, okay. Well, for formality sake, 22 I'm not going to call you "Duncan" today until the 23 deposition is over. But if I call you "Dr. Moore," 24 will you know who I'm referring to? 25 A. I will.  Page 7  1 DUNCAN MOORE, PH.D. 2 Q. Have you ever been deposed before? 3 A. I have. 4 Q. How many times? 4 Q. How many times? 5 A. Three or four. 6 Q. Were those in patent cases? 7 A. Yes. 8 Q. You understand you're under oath today; 9 correct? 1 Q. And do you understand that the oath 12 requires you to answer truthfully and completely to 15 the questions asked today? 16 Q. Is there any reason why you cannot give 17 A. There is no reason. 18 Q. A syou can see, we have a court reporter 18 taking down everything we say, as well as a 2 videographer. But for the court reporter's sake, it's 2 important that you and I do not speak over each other, to make her life much easier. 2 A. Understood. 2 A. That was Crane.  2 A. That was Crane.  2 A. None. 2 C. Can you identify what litigations you were an expert in where you were deposed? A. You mean the litigants or the I'm not sure that I understand the question. You want to know  Page 9  Page 9  DUNCAN MOORE, PH.D. 4 what cases? 3 A. One involved a case involving the backlighting of large screen TVs. 4 A. One involved a case involving the backlighting of large screen TVs. 4 Q. Okay. 4 In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. 4 Q. Okay. 4 A. And I don't remember the others. They've backlight litigation? 4 A. I'd have to look that up. It was a Korean company. 4 A. Understood. 4 Q. So I will endeavor to let you finish your 4 A. That was Crane. 4 A. That was Crane.		•		
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requires you to answer truthfully and completely to the questions asked today?  A. I do.  Q. Is there any reason why you cannot give truthful and complete answers today?  A. There is no reason.  Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier.  A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones.  Q. Who did you represent with respect to the backlight litigation?  A. I'd have to look that up. It was a Korean company.  Q. Was it Samsung?  A. It was not Samsung.  Q. How about with respect to the security strip on the hundred dollar bill, who did you represent?  A. I'd have to look that up. It was a Korean company.  Q. Was it Samsung?  A. It was not Samsung.	7 8 9	A. Yes. Q. You understand you're under oath today; correct?	7 8 9	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill
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Q. Is there any reason why you cannot give truthful and complete answers today?  A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier. A. Understood. Q. Is there any reason why you cannot give truthful and complete answers today?  Q. Who did you represent with respect to the backlight litigation?  A. I'd have to look that up. It was a Korean company.  Q. Was it Samsung?  A. It was not Samsung.  Q. How about with respect to the security strip on the hundred dollar bill, who did you represent?  A. Understood. A. That was Crane.	7 8 9 10 11	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to	7 8 9 10 11 12	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've
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<ul> <li>videographer. But for the court reporter's sake, it's</li> <li>important that you and I do not speak over each other,</li> <li>to make her life much easier.</li> <li>A. Understood.</li> <li>Q. How about with respect to the security</li> <li>strip on the hundred dollar bill, who did you</li> <li>quantification</li> <li>Q. So I will endeavor to let you finish your</li> <li>A. That was Crane.</li> </ul>	7 8 9 10 11 12 13 14 15 16	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthful and complete answers today? A. There is no reason.	7 8 9 10 11 12 13 14 15 16 17	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones. Q. Who did you represent with respect to the backlight litigation? A. I'd have to look that up. It was a Korean
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A. Understood.  Q. So I will endeavor to let you finish your  23 represent?  24 A. That was Crane.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthful and complete answers today? A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's	7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones. Q. Who did you represent with respect to the backlight litigation? A. I'd have to look that up. It was a Korean company. Q. Was it Samsung? A. It was not Samsung.
Q. So I will endeavor to let you finish your 24 A. That was Crane.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthful and complete answers today? A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other,	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones. Q. Who did you represent with respect to the backlight litigation? A. I'd have to look that up. It was a Korean company. Q. Was it Samsung? A. It was not Samsung. Q. How about with respect to the security
	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthful and complete answers today? A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones. Q. Who did you represent with respect to the backlight litigation? A. I'd have to look that up. It was a Korean company. Q. Was it Samsung? A. It was not Samsung. Q. How about with respect to the security strip on the hundred dollar bill, who did you
120 anowers it you allow the to timest tity questions. Does 120 Q. Have you ever acted as all expert oil	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. You understand you're under oath today; correct? A. I do. Q. And do you understand that the oath requires you to answer truthfully and completely to the questions asked today? A. I do. Q. Is there any reason why you cannot give truthful and complete answers today? A. There is no reason. Q. As you can see, we have a court reporter taking down everything we say, as well as a videographer. But for the court reporter's sake, it's important that you and I do not speak over each other, to make her life much easier. A. Understood.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. A. In particular the lenses that are behind them. Another was in the issue associated with the security stripe that's on the hundred-dollar-bill currency. Q. Okay. A. And I don't remember the others. They've been too far in the past. Those two are the most recent ones. Q. Who did you represent with respect to the backlight litigation? A. I'd have to look that up. It was a Korean company. Q. Was it Samsung? A. It was not Samsung. Q. How about with respect to the security strip on the hundred dollar bill, who did you represent?

3 (Pages 6 to 9)





1	Page 10		Page 12
1	DUNCAN MOORE, PH.D.	1	DUNCAN MOORE, PH.D.
2	miniature lens assemblies?	2	Exhibit 1001. If I refer to that exhibit as the "032
3	A. I have.	3	patent," will you understand what I'm referring to?
4	Q. In what case?	4	A. I will.
5	A. The case goes back at least ten years. I	5	Q. Okay. And with respect to your
6	can remember the law firm, but I can't remember the	6	declaration marked as Exhibit 2013, if I refer to that
7	cases. The law firm was Nixon Peabody.	7	as "your declaration," will you understand that we're
8	Q. Did that involve lens assembly specific to	8	referring to Exhibit 2013?
9	mobile devices?	9	A. I will.
10	A. It did.	10	Q. What documents did you review in preparing
11	(The following exhibits were marked at a	11	your declaration?
12	previous deposition: EXH Number 1, 1001,	12	A. They're listed in my declaration. There's
13	2013 and 2014.)	13	quite a few of them. Obviously these two patents
14	Q. I'm going to hand you a few documents	14	involved, and then the list is on page.
15	here. The first one is United States Patent Number	15	Q. Paragraph 3?
16	9,402,032 marked as Apple Exhibit 1 in IPR2018-01140.	16	A. Paragraph 3, yeah.
17	I'm also going to hand you United States	17	Q. I think the page numbers are cut off a
18	Patent Number 9,568,712, which is Apple Exhibit 1001	18	little bit on the bottom, so we probably have to refer
19	in IPR2018-01146.	19	by paragraph number
20	I'm also going to hand you a copy of the	20	A. Okay.
21	declaration of Duncan Moore, Ph.D. in the two	21	Q as much as we can today. Is that okay?
22	previously stated IPRs, which was marked as Exhibit	22	A. Yep.
23	2013.	23	Q. Did you review the '032 and '712 patents
24	And for the sake of completeness at this	24	in their entirety?
25	point, I'm going to hand you a copy of the CV of	25	A. I did.
	Page 11		Page 13
1	DUNCAN MOORE, PH.D.	1	DUNCAN MOORE, PH.D.
2	Duncan Moore, which was submitted as Exhibit 2014 in	2	Q. Did you review all the exhibits in
3	both of the previously stated IPRs.	3	paragraph 3 of your declaration in their entirety?
4	MR. MCDOLE: Counsel, I believe I've	4	A. I can't say that.
5	1 1 1 1		71. I can't say that.
_	handed those to you already.	5	Q. Which documents listed in paragraph 3 did
6	A. Can I ask you a question?	5 6	
7	· · · · · · · · · · · · · · · · · · ·		Q. Which documents listed in paragraph 3 did
	A. Can I ask you a question?	6	Q. Which documents listed in paragraph 3 did you not review in their entirety?
7 8 9	<ul><li>A. Can I ask you a question?</li><li>Q. Sure.</li></ul>	6 7	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of
7 8 9 10	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> </ul>	6 7 8 9	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.
7 8 9 10 11	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> </ul>	6 7 8 9 10	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read
7 8 9 10 11	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> <li>Q. That's correct. So if you look at the</li> </ul>	6 7 8 9 10 11 12	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I
7 8 9 10 11 12	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> <li>Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on</li> </ul>	6 7 8 9 10 11 12	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole
7 8 9 10 11 12 13 14	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> <li>Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well.</li> </ul>	6 7 8 9 10 11 12 13	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.
7 8 9 10 11 12 13 14 15	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> <li>Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well.</li> <li>A. Okay. So they refer to different okay.</li> </ul>	6 7 8 9 10 11 12 13 14	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?
7 8 9 10 11 12 13 14 15	<ul> <li>A. Can I ask you a question?</li> <li>Q. Sure.</li> <li>A. These have the same exhibit number.</li> <li>Q. That is correct. That's because there's two IPRs.</li> <li>A. Oh, I see. There's two different cases?</li> <li>Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well.</li> <li>A. Okay. So they refer to different okay.</li> <li>Q. That's correct.</li> </ul>	6 7 8 9 10 11 12 13 14 15 16	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?
7 8 9 10 11 12 13 14 15 16	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we	6 7 8 9 10 11 12 13 14 15 16	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of
7 8 9 10 11 12 13 14 15 16 17	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we can get some nomenclature out of the way here. If I	6 7 8 9 10 11 12 13 14 15 16 17	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of materials you reviewed in preparing your declaration,
7 8 9 10 11 12 13 14 15 16 17 18	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we can get some nomenclature out of the way here. If I can have you look at United States Patent 9,568,712.	6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of materials you reviewed in preparing your declaration, it goes from Exhibit 1001 to 1002, 1003; you skip
7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we can get some nomenclature out of the way here. If I can have you look at United States Patent 9,568,712. If I refer to Apple Exhibit 1001, which is United	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of materials you reviewed in preparing your declaration, it goes from Exhibit 1001 to 1002, 1003; you skip 1004. Then we have 1005, 1006, 1007, 1008, 1009,
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we can get some nomenclature out of the way here. If I can have you look at United States Patent 9,568,712. If I refer to Apple Exhibit 1001, which is United States Patent 9,586,712, as the "'712 patent," will you understand what I'm referring to?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of materials you reviewed in preparing your declaration, it goes from Exhibit 1001 to 1002, 1003; you skip 1004. Then we have 1005, 1006, 1007, 1008, 1009, 1010; and then 1011 is missing.  A. I do not know.
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Can I ask you a question? Q. Sure. A. These have the same exhibit number. Q. That is correct. That's because there's two IPRs. A. Oh, I see. There's two different cases? Q. That's correct. So if you look at the front of your declaration, there's two IPRs stated on there as well. A. Okay. So they refer to different okay. Q. That's correct. So if I can have you first look if we can get some nomenclature out of the way here. If I can have you look at United States Patent 9,568,712. If I refer to Apple Exhibit 1001, which is United States Patent 9,586,712, as the "'712 patent," will you understand what I'm referring to?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Which documents listed in paragraph 3 did you not review in their entirety?  A. Well, I would not have read through all of Warren Smith's book. I would not have read through Born's book, which is about four or 500 pages, or Walker's book or Fischer's book.  And the others I some of them I've read in entirety, some I didn't. The ones I use that I actually cited in my declaration I did read the whole thing.  Q. Why didn't you review Exhibit 1011?  A. What is 1011?  Q. Well, if we go through your list of materials you reviewed in preparing your declaration, it goes from Exhibit 1001 to 1002, 1003; you skip 1004. Then we have 1005, 1006, 1007, 1008, 1009, 1010; and then 1011 is missing.  A. I do not know.

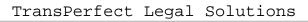
4 (Pages 10 to 13)





	Page 14		Page 16
1	DUNCAN MOORE, PH.D.	1	DUNCAN MOORE, PH.D.
2	Q. Did you request that material in preparing	2	change?
3	your opinion?	3	A. Are you asking if my signature changed?
4	A. I did not.	4	Q. No. After applying your electronic
5	Q. Do you understand that that material was	5	signature to the declaration, how do you know that the
6	cited in the petition for IPR in the matter?	6	declaration was not changed before being submitted to
7	A. I don't remember.	7	the United States Patent Office?
8	Q. Do you think it would have been important	8	A. My signature was applied on the very last
9	to review all the material supporting the IPR in this	9	day at the last hour. So I assume it did not change.
10	material or in this case before rendering your	10	Q. So it was an assumption on your part?
11	opinions?	11	A. I often use electronic signatures for
12	A. I don't I don't know what's in 1011.	12	doing information, especially when I'm on travel.
13	Q. That's because you haven't reviewed it,	13	Q. Have you done anything to confirm that the
14	though; right?	14	final version that you submitted your electronic
15	A. That's correct.	15	signature to is the same version that was submitted to
16	Q. So it could have information that would be	16	the United States Patent and Trial Trademark Office?
17	material to you opinion; correct?	17	A. I can only say that this is what I
18	A. I don't know.	18	submitted. This is the document that I authored, but
19	Q. Did you intentionally not review Exhibit	19	I don't know I can't be sure what was actually
20	1011?	20	submitted.
21	A. I did not. I did not review it.	21	Q. Did you apply your electronic signature to
22	Q. Did you make the choice not to review	22	your declaration on or about March 4, 2019?
23	Exhibit 1011, or was that a choice of counsel?	23	A. Yes.
24	A. I don't I don't remember. I don't	24	Q. Are there any errors in your declaration
25	remember any discussion regarding that.	25	that you're aware of?
	Page 15		Page 17
1	DUNCAN MOORE, PH.D.	1	DUNCAN MOORE, PH.D.
2	Q. Were the materials in paragraph 3 of your	2	A. I'm aware of three.
3	declaration provided to you by counsel?	3	Q. Okay. What are those?
4	A. Sorry. Restate.	4	A. In the in paragraph 109.
5	Q. Were the materials cited in paragraph 3 of	5	Q. Okay.
6	your declaration provided to you by counsel?	6	A. The third line, the word "increases"
7	A. Yes, except for the books, which I already	7	should be "decreases."
8	owned.	8	Q. Okay.
9	Q. Were there any other materials that you	9	A. I can't find the exact paragraph, but it
10	requested from counsel that were not provided to you?	10	involves the aperture stop, and it's
11	A. No.	11	I can remember the third one.
12	Q. If I can have you turn to the last	12	Q. All right. Let's go to the third one
13	paragraph of your declaration, which is going to be	13	first.
14	exhibit or paragraph 119. If you can see the page	14	A. The third one is that in some of the
15	number, it's page 67.	15	figures of the ray fans the units indicate they're in
16	A. You said paragraph 119?	16	inches, and they should be in millimeters. Some are
17	Q. Yes. At the bottom of page 67 under	17	in millimeters, some are in inches; but they all
18	paragraph 119, there is a signature at the bottom of	18	should be in millimeters.
19	the page. Is that your signature?	19	Q. Okay. With respect to the second one with
20	A. Yes, it is.	20	respect to I think you said it related to the
21	Q. Is that an electronic signature or	21	aperture stop size?
22 23	physical signature?	22	A. It had to do with in one place I state
24	<ul><li>A. I believe that's electronic.</li><li>Q. How do you know since supplying your</li></ul>	23 24	that the aperture stop size changed it, when in fact
25	electronic signature to the document that it did not	25	it moved it. I can't find it sitting here. Q. Okay.
	ordered bignature to the document that it did not	123	v. onuy.

5 (Pages 14 to 17)



# DOCKET A L A R M

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