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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

BLACKBERRY LIMITED, a) Case No.
Canadian corporation,) 2:18-cv-01844-GW-KS
Plaintiff,) Lead Consolidating Case
vs.) Related Case:
FACEBOOK, INC., a Delaware) 2:18-cv-02693-GW-KS
corporation, WHATSAPP INC., a)
Delaware corporation, and)
INSTAGRAM, INC., a Delaware)
corporation, and INSTAGRAM,)
LLC, a Delaware limited)
liability company,)
Defendants.)

VIDEOTAPED DEPOSITION OF DAN SCHONFELD, PH.D.
San Francisco, California
Tuesday, July 30, 2019

Reported by:
ASHALA TYLOR, CSR #2436, CLR, CRR, RPR
JOB NO. 3476210
PAGES 1 - 160



<p>1 UNITED STATES DISTRICT COURT 2 FOR THE CENTRAL DISTRICT OF CALIFORNIA 3 _____ 4 BLACKBERRY LIMITED, a) Case No. 5 Canadian corporation,) 2:18-cv-01844-GW-KS 6 Plaintiff,) Lead Consolidating Case 7 vs.) Related Case: 8 FACEBOOK, INC., a Delaware) 2:18-cv-02693-GW-KS 9 corporation, WHATSAPP INC., a) 10 Delaware corporation, and) 11 INSTAGRAM, INC., a Delaware) 12 corporation, and INSTAGRAM,) 13 LLC, a Delaware limited) 14 liability company,) 15 Defendants.) 16 _____) 17 18 Videotaped deposition of DAN SCHONFELD, PH.D., 19 taken at Quinn Emanuel Urquhart & Sullivan, LLP, 20 50 California Street, San Francisco, California, 21 commencing at 9:35 a.m. and ending at 3:42 p.m., on 22 Tuesday, July 30, 2019, before Ashala Tylor, CSR No. 23 2436, RPR, CRR, CLR. 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 I N D E X 2 WITNESS EXAMINATION BY PAGE 3 DAN SCHONFELD, PH.D. 4 Mr. Weinstein 7, 96, 146 5 Mr. Schmidt 140 6 7 E X H I B I T S 8 NO. DESCRIPTION PAGE 9 Exhibit 1 Declaration of Dan Schonfeld, Ph.D. 10 10 Exhibit 2 Patent No.: US 8,677,250 B2, 10 11 BB_Facebook00031819 - 838 12 Exhibit 3 Patent No.: US 8,279,173 B2, 10 13 BB_Facebook00031721 - 737 14 Exhibit 4 Blackberry's Notice of Motion and 133 15 Motion for Partial Summary Judgment 16 of Infringement of U.S. Patent Nos. 17 8,677,250, 8,279,173 and 9,349,120 18 Exhibit 5 Deposition of Kun Chen, 6-26-19 142 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES OF COUNSEL: 2 3 FOR THE PLAINTIFF: 4 QUINN EMANUEL URQUHART & SULLIVAN, LLP, 5 BY: PATRICK SCHMIDT, ESQ. 6 865 South Figueroa Street, 10th Floor 7 Los Angeles, California 8 213.443.3000 9 patrickschmidt@quinnemanuel.com 10 11 FOR THE DEFENDANTS: 12 COOLEY LLP 13 BY: MARK WEINSTEIN, ESQ. 14 HEIDI KEEFE, ESQ. 15 3175 Hanover Street 16 Palo Alto, California 94304-1130 17 650.843.5001 18 mweinstein@cooley.com 19 hkeefe@cooley.com 20 21 Also Present: 22 Brandon Miller, Videographer 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 San Francisco, California; Tuesday, July 30, 2019 2 9:35 a.m. 3 --000-- 4 09:31 5 THE VIDEOGRAPHER: Good morning. We're 09:35 6 going on the record at 9:35 a.m. on July 30, 2019. 09:35 7 Please note that the microphones are very, 09:35 8 very sensitive and may pick up whispering, rubbing 09:35 9 of clothing, hair and microphone cable. Please 09:35 10 silence all cell phones and place them away from the 09:35 11 microphones as they can interfere with deposition 09:35 12 audio. 09:35 13 Audio-video recording will continue to 09:35 14 take place unless all parties agree to go off the 09:35 15 record. 09:35 16 This is Media Number 1 of the 09:35 17 video-recorded deposition of Dr. Dan Schonfeld taken 09:35 18 by counsel for the defendant in the matter of 09:35 19 BlackBerry Limited versus Facebook, Inc., WhatsApp, 09:35 20 Inc., and Instagram, Inc., filed in the 09:35 21 United States District Court, Central District of 09:36 22 California. Lead -- excuse me, case number 09:36 23 2:18-cv-01844-GW-KS, lead consolidated case. 09:36 24 This deposition is being held at 50 09:36 25 California Street, 22nd Floor, San Francisco, 09:36</p> <p style="text-align: right;">Page 5</p>

1 California 94111. 09:36
2 My name is Brandon Miller with the firm 09:36
3 Veritext Legal Solutions, and I'm the videographer. 09:36
4 The court reporter is Ashala Tylor for the firm 09:36
5 Veritext Legal Solutions. 09:36
6 I'm not related to any party in this 09:36
7 action, nor am I financially interested in the 09:36
8 outcome. 09:36
9 Counsel and all present in the room will 09:36
10 now say their appearances and affiliations for the 09:36
11 record. 09:36
12 MR. WEINSTEIN: Mark Weinstein of Cooley 09:36
13 LLP, representing the defendants. And with me is 09:36
14 Heidi Keefe, also from Cooley LLP, also representing 09:36
15 the defendants. 09:37
16 MR. SCHMIDT: Good morning. Patrick 09:37
17 Schmidt from Quinn Emanuel on behalf of the 09:37
18 plaintiff BlackBerry. 09:37
19 THE VIDEOGRAPHER: Thank you. You may now 09:37
20 swear the witness. 09:37
21 DAN SCHONFELD, Ph.D., 09:37
22 being first duly sworn or affirmed to testify 09:37
23 to the truth, the whole truth, and nothing but 09:37
24 the truth, was examined and testified as follows: 09:37
25 ///

Page 6

1 EXAMINATION 09:37
2 BY MR. WEINSTEIN: 09:37
3 Q. Good morning, sir. 09:37
4 A. Good morning. 09:37
5 Q. Would you state your name for the record? 09:37
6 A. Yeah, it's Dan Schonfeld. 09:37
7 Q. Okay. And for ease of reference, do you 09:37
8 prefer Dr. Schonfeld or Mr. Schonfeld? 09:37
9 A. Dr. Schonfeld is fine. 09:37
10 Q. Okay. Thank you. 09:37
11 A. Any which way you prefer is fine. 09:37
12 Q. Thank you, Dr. Schonfeld. You're 09:37
13 currently employed, right? 09:37
14 A. I am. 09:37
15 Q. Who is your current employer? 09:37
16 A. The University of Illinois in Chicago. 09:37
17 Q. Do you have any residences in California? 09:37
18 A. No. 09:37
19 Q. Okay. Have you had your deposition taken 09:37
20 before? 09:37
21 A. Yes. 09:37
22 Q. Approximately how many times? 09:37
23 A. It depends on how you count, but I would 09:37
24 say somewhere around probably slightly higher than 09:38
25 40. 09:38

Page 7

1 Q. You haven't been deposed in this case, 09:38
2 have you? 09:38
3 A. No. 09:38
4 Q. So I'm going to give you the speech that 09:38
5 basically every deposition in the United States has 09:38
6 ever begun within the last 50 years. I'm sure you 09:38
7 know everything, but we have to have it on the 09:38
8 record. 09:38
9 This deposition and everything you say is 09:38
10 under oath. It has the same force and effect as if 09:38
11 we were in open court. 09:38
12 You understand that, correct? 09:38
13 A. I do. 09:38
14 Q. If at any time during the deposition you 09:38
15 don't understand a question I'm asking, feel free to 09:38
16 ask me to clarify; otherwise I have no choice but to 09:38
17 assume that you understood my question. Agreed? 09:38
18 A. I will do so to the best -- to the extent 09:38
19 that I misunderstand the question. 09:38
20 Q. Thank you so much. 09:38
21 The court reporter next to us is going to 09:38
22 take down everything you and I say, so there's a 09:38
23 reciprocal rule that we both have to follow based on 09:38
24 the fact that the court reporter can only take down 09:38
25 one person speaking at a time, which is that I would 09:38

Page 8

1 ask that you wait for me to finish the question 09:38
2 before providing an answer, and I, in turn, will 09:39
3 endeavor to wait for you to finish your answer until 09:39
4 proceeding to the next question. 09:39
5 Sounds reasonable? 09:39
6 A. Yes. 09:39
7 Q. Okay. Are you taking any medication, 09:39
8 Dr. Schonfeld, that could affect the testimony that 09:39
9 you are giving here today? 09:39
10 A. Not that I'm aware of, no. 09:39
11 Q. Are there any reasons that you can 09:39
12 identify that you can't give your best and most 09:39
13 accurate testimony here today? 09:39
14 A. Not that I'm aware of, no. 09:39
15 Q. Okay. Thank you, sir. 09:39
16 So you have been retained by the plaintiff 09:39
17 BlackBerry in this case, correct? 09:39
18 A. Yes. 09:39
19 Q. Approximately when were you retained in 09:39
20 this action? 09:39
21 A. I am -- I believe it was -- in or around 09:39
22 April 2018. 09:39
23 Q. Okay. So right around the time this 09:39
24 litigation got started? 09:39
25 A. Yes, I presume so. I'm not sure. 09:39

Page 9

<p>1 Q. But as far as the actual displaying of the 01:41 2 tag list, that code is the JavaScript code running 01:41 3 on the browser, correct? 01:41 4 A. At least in part. Again, I don't want to 01:41 5 limit myself to saying all of it is a JavaScript 01:41 6 code. 01:41 7 Q. Okay. I'm just -- because -- maybe this 01:41 8 is more a semantic issue. 01:41 9 The claim calls for displaying a tag list, 01:41 10 including tags from one or more tag sources, and 01:41 11 matching a search string. So the claim actually 01:41 12 doesn't require that a search be run, correct? 01:41 13 MR. SCHMIDT: Objection. Calls for a 01:42 14 legal conclusion. 01:42 15 THE WITNESS: Well, I think it says 01:43 16 matching a search string. And under your 01:43 17 interpretation of the limitation, matching a search 01:43 18 string would be true whether or not the actual 01:43 19 matching is performed. And that's not how I read 01:43 20 it. I actually viewed the matching as being 01:43 21 something that needs to take place. 01:43 22 BY MR. WEINSTEIN: 01:43 23 Q. Okay. It -- 01:43 24 A. And -- 01:43 25 Q. Go ahead. I'm sorry. 01:43</p> <p style="text-align: right;">Page 106</p>	<p>1 If I could direct you to a passage in 01:45 2 column 5. It starts on line 39 through 47. I'll 01:45 3 read it into the record. 01:45 4 "In an embodiment, as the user begins to 01:45 5 type, photo tag selection module 148B may be 01:45 6 configured to search one or more selected 'tag 01:45 7 sources' for tags that match the currently entered 01:45 8 text." 01:45 9 And then it goes on from there. Do you 01:45 10 see that? 01:45 11 A. I do. 01:45 12 Q. We'll stop there. So when you read the 01:45 13 claim, do you think that the claim requires that the 01:45 14 system search one or more tag sources in order to 01:45 15 generate the tag list? 01:46 16 MR. SCHMIDT: Objection to the extent it 01:46 17 calls for a legal conclusion. 01:46 18 THE WITNESS: So when I read the 01:46 19 limitation in Claim 13, limitation A that we are 01:46 20 talking about, reading it in light of the 01:46 21 specification, I do not impose anything beyond what 01:47 22 the claim limitation requires. And the claim 01:47 23 limitation does not explicitly require what's in 01:47 24 column 5. 01:47 25</p> <p style="text-align: right;">Page 108</p>
<p>1 A. And I would say that the claim asserted in 01:43 2 this case is Claim 14. And from Claim 14, the code 01:43 3 is for providing a tag entry field for entering the 01:43 4 search string. 01:43 5 So if one were to interpret it where no 01:43 6 search takes place, then you would have to enter a 01:43 7 search string for Claim 14 and do nothing with it. 01:43 8 So it would be an unusual interpretation of the 01:43 9 claim. 01:44 10 Q. Understood. So as far as how the search 01:44 11 is conducted, does the claim provide any limitations 01:44 12 on how the search must be conducted, in your 01:44 13 opinion? 01:44 14 MR. SCHMIDT: Objection to the extent it 01:44 15 calls for a legal conclusion. 01:44 16 THE WITNESS: The only thing that I -- 01:44 17 according to my interpretation, I imposed the fact 01:44 18 that the search has to actually perform a search and 01:44 19 by at least matching a search string. 01:44 20 BY MR. WEINSTEIN: 01:44 21 Q. Does the -- does the claim require that 01:44 22 the search -- well, withdrawn. 01:44 23 Let me -- let me refer you -- I know 01:45 24 you're looking at the patent, and that's perfectly 01:45 25 fine. 01:45</p> <p style="text-align: right;">Page 107</p>	<p>1 BY MR. WEINSTEIN: 01:47 2 Q. So it does not require that what is 01:47 3 searched be one or more tag sources. Is that what 01:47 4 you're saying? 01:47 5 MR. SCHMIDT: Objection to the extent it 01:47 6 calls for a legal conclusion. 01:47 7 THE WITNESS: Well, it requires -- the 01:47 8 wording that are required are code for displaying a 01:47 9 tag list, including tags from one or more tag 01:47 10 sources. 01:47 11 So the tags have to come from one or more 01:47 12 tag sources, and they have to match a search string. 01:47 13 And I do not go beyond that to -- to determine what 01:47 14 is required. 01:47 15 BY MR. WEINSTEIN: 01:47 16 Q. How can the system search for tags that 01:47 17 come from one or more tag sources without searching 01:47 18 within those tag sources? 01:47 19 A. So I'm not sure if I completely understand 01:48 20 the question, but the limitation is only about code 01:48 21 for displaying, and specifically it's for displaying 01:48 22 a tag list. And then there is the limitation 01:48 23 requires that that list include tags that are from 01:48 24 one or more tag sources. It's silent as to where -- 01:48 25 where the search has to take place. 01:49</p> <p style="text-align: right;">Page 109</p>

<p>1 Q. Okay. Now, I'll represent to you that I 01:49 2 do not believe that any terms from the '173 patent 01:49 3 were construed by the court in connection with this 01:49 4 case; but in order to form an opinion of 01:49 5 infringement, you formed an understanding of what 01:49 6 the claims actually require, correct? 01:49 7 A. I understood the claims and what they 01:49 8 meant to me. 01:49 9 Q. Okay. So -- so in your own words, can you 01:49 10 describe for me what the word "tag sources" means in 01:49 11 the context of the '173 patent? 01:49 12 MR. SCHMIDT: Objection to the extent it 01:49 13 calls for a legal conclusion. 01:49 14 THE WITNESS: I simply adopted the 01:49 15 understanding that -- well, just the plain meaning. 01:49 16 And I think plain meaning is something that in this 01:49 17 case, and not only a person of ordinary skill but 01:50 18 any person would understand, and this is just a 01:50 19 tag is a -- it's just a source of tags. 01:50 20 BY MR. WEINSTEIN: 01:50 21 Q. Okay. And then a search string, what is 01:50 22 your understanding, as a person of skill in the art, 23 of what a search string is when you were looking for 24 infringement of the '173 patent? 25 MR. SCHMIDT: Objection to the extent it 01:50 Page 110</p>	<p>1 and the patent specification gives some examples. 01:53 2 Once again, if you look at paragraph 82 of my 01:53 3 declaration, I cite to the patent -- for example, to 01:53 4 column 6, lines 5 through 9 -- where the patent 01:53 5 talks about a user's Facebook friends. Facebook 01:53 6 friends is one example, and I also cite to column 5, 01:53 7 line 43 through 47. And I think generally the 01:53 8 patent specification talks about other examples of 01:53 9 sources such as locations. 01:53 10 Claim 18, for example, talks about a tag 01:53 11 source as having one or more of an online network 01:53 12 profile, an address book, browser bookmarks, 01:54 13 landmark tears -- tags, sorry, and free form text. 01:54 14 And so it gives a whole array of examples both in 01:54 15 the claims as well as the specification, and it's 01:54 16 scattered throughout. 01:54 17 BY MR. WEINSTEIN: 01:54 18 Q. But a tag source identifies where tags 01:54 19 come from, correct? 01:54 20 MR. SCHMIDT: Objection to the extent it 01:54 21 calls for a legal conclusion. 01:54 22 THE WITNESS: I don't necessarily view it 01:54 23 as -- as limited to -- to determining where it comes 01:54 24 from; but it does provide a distinction between -- 01:54 25 between -- between the different objects or the 01:54 Page 112</p>
<p>1 calls for a legal conclusion. 01:50 2 THE WITNESS: So I think the easiest for 01:51 3 me -- easiest way for me to convey my understanding 01:51 4 of a search string would be just by example. 01:51 5 If you look at Figures 4B, 4C, 4D, 4E, and 01:51 6 4F, those would be an example consistent with a 01:51 7 search string means to anyone. 01:51 8 BY MR. WEINSTEIN: 01:51 9 Q. Understood. 01:51 10 A. Again, it's not the term that you need the 01:51 11 knowledge of a person of ordinary skill because 01:51 12 everybody browses the web. 01:51 13 Q. Knows what a search string is, right? 01:51 14 (Reporter clarification.) 01:51 15 Q. Knows what a search string is, right? 01:51 16 Everyone knows what a search string is, right? 01:51 17 A. I believe so. 01:51 18 Q. Okay. Now, you mentioned earlier that a 01:51 19 tag source is simply -- withdrawn. 20 You said earlier that a tag source is a 01:52 21 source of tags. What is a source? 01:52 22 MR. SCHMIDT: Objection to the extent it 01:52 23 calls for a legal conclusion. 01:52 24 THE WITNESS: So, again, this is a term 01:52 25 that I applied the plain and ordinary meaning to, 01:52 Page 111</p>	<p>1 different tags, I should say. 01:54 2 BY MR. WEINSTEIN: 01:54 3 Q. Looking at paragraph 79 of your 01:55 4 declaration, it looks like you have identified five 01:55 5 different alleged tag sources for the Facebook 01:55 6 website, correct? 01:55 7 A. That is correct. 01:55 8 Q. And I'll just read them into the record. 01:55 9 Those are Facebook friends, friends of Facebook 01:55 10 friends, general Facebook pages, pages associated 11 with locations, and verified Facebook profiles. 12 Do you see that? 01:56 13 A. I do. 01:56 14 Q. Okay. Let go to page 13 of your report, 01:56 15 and if you see, there's a -- it appears to be a 01:56 16 screenshot of the photo-tagging interface for the 01:56 17 Facebook.com website. 01:56 18 Do you see that? 01:56 19 A. I do. 01:56 20 Q. And it looks like -- did you create that 01:56 21 using a fictitious account? 01:56 22 A. It was a fictitious account, yes. 01:56 23 Q. Okay. And in this example, there's a tag 01:56 24 list there -- correct -- that's shown? 01:56 25 A. There is a... 01:57 Page 113</p>

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