Page 1

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

APPLE INC.,

Petitioner,

IPR2018-01140

v. 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 212-400-8845 - Depo@TransPerfect.com

APPL-1023 / Page 1 of 55



	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	
5	Rochester, New York 14604	6	
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24 25		24 25	
	Page 3		Page 5
1	APPEARANCES	1	P R O C E E D I N G S
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	
6 7	Dallas, Texas 75219 jamie.mcdole@haynesboone.com	7	THE VIDEOGRAPHER: We are about to begin the recorded deposition of Dr. Duncan Moore in the
8	Michael S. Parson, Esq.	8	matter of Apple, Incorporated versus Corephotonics,
9	Haynes and Boone, LLP	9	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 14	Priya B. Viswanath, Esq.	13 14	is 9:09. My name is Tim McDonough, from the firm of
15	Cooley LLP 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 23	12424 Wilshire Boulevard, 12th Floor Los Angeles, California 90025	22	Petitioner. MR. PARSONS: Michael Parsons representing
24	nrubin@raklaw.com	24	Petitioner.
25	III GOIII (GIGINIA III VOIII	25	MS. VISWANATH: Priya Viswanath

2 (Pages 2 to 5)



Page 8 Page 6 DUNCAN MOORE, PH.D. DUNCAN MOORE, PH.D. 1 1 2 representing Petitioner. 2 that sound fair? 3 3 MR. RUBIN: And Neil Rubin of Russ A. Sounds reasonable. 4 August & Kabat representing the Patent Owner and 4 Q. And if at any point I cut off one of your 5 defending the witness. 5 answers -- you know, sometimes there's a pause, and 6 6 I'll start a new question. If at any point you THE VIDEOGRAPHER: The court reporter will 7 7 haven't finished an answer, will you please let me please swear in the witness, and we may begin. 8 8 know, so I can allow you to finish? DUNCAN MOORE, PH.D., 9 9 called herein as a witness, first being sworn, A. I will. 10 testified as follows: 10 Q. It's also important that you understand 11 EXAMINATION BY MR. MCDOLE: 11 all of my questions today, to make sure we have a 12 12 Q. Good morning, Dr. Moore. My name is Jamie complete and accurate record. If you don't understand 13 McDole. I represent Apple in the IPRs that were just 13 a question, will you let me know? 14 14 listed. A. I will. 15 15 Can we start by stating your full name for Q. And if you answer a question, I'm going to 16 16 the record? assume that you understood the question. Does that 17 17 A. Duncan Thomas Moore. sound fair? 18 18 Q. And do you go -- are you Ph.D.? Do you go A. Okay. 19 by Dr. Moore? 19 Q. In the three or four depositions that you 20 20 have provided testimony, how many of them were IPRs? A. I go mostly by Duncan. 21 21 Q. Duncan, okay. Well, for formality sake, A. None. 22 I'm not going to call you "Duncan" today until the 22 Q. Can you identify what litigations you were 23 23 deposition is over. But if I call you "Dr. Moore," an expert in where you were deposed? 24 24 will you know who I'm referring to? A. You mean the litigants or the -- I'm not 25 25 sure that I understand the question. You want to know A. I will. Page 9 Page 7 1 DUNCAN MOORE, PH.D. 1 DUNCAN MOORE, PH.D. 2 Q. Have you ever been deposed before? 2 what cases? 3 3 A. I have. Q. Yes. 4 O. How many times? 4 A. One involved a case involving the 5 5 A. Three or four. backlighting of large screen TVs. 6 6 Q. Were those in patent cases? Q. Okay. 7 7 A. In particular the lenses that are behind 8 Q. You understand you're under oath today; 8 them. Another was in the issue associated with the 9 9 correct? security stripe that's on the hundred-dollar-bill 10 10 currency. 11 11 Q. Okay. Q. And do you understand that the oath 12 12 requires you to answer truthfully and completely to A. And I don't remember the others. They've 13 13 the questions asked today? been too far in the past. Those two are the most 14 A. I do. 14 recent ones. 15 Q. Is there any reason why you cannot give 15 Q. Who did you represent with respect to the 16 truthful and complete answers today? 16 backlight litigation? 17 17 A. There is no reason. A. I'd have to look that up. It was a Korean 18 18 Q. As you can see, we have a court reporter company. 19 19 taking down everything we say, as well as a Q. Was it Samsung? 20 videographer. But for the court reporter's sake, it's 20 A. It was not Samsung. 21 21 important that you and I do not speak over each other, Q. How about with respect to the security 22 to make her life much easier. 22 strip on the hundred dollar bill, who did you 23 23 A. Understood. represent? 24 Q. So I will endeavor to let you finish your 24 A. That was Crane. 25 answers if you allow me to finish my questions. Does 25 Q. Have you ever acted as an expert on

3 (Pages 6 to 9)



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

4 (Pages 10 to 13)



DUNCAN MOORE, PILD. Q. Did you request that material in preparing your opinion? A. I did not. Q. Do you understand that that material was edited in the petition for IPR in the matter? A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this material - or in this case before rendering your opinions? A. I don't - I don't know what's in 1011. Q. That's because you haven't reviewed it, though; right? A. I don't scorrect. A. I don't know. So it could have information that would be material to you opinion; correct? A. I don't know. Q. Did you make the choice not to review Exhibit 1011? A. I don't - I don't remember. I don't remembe		Page 14		Page 16
2 Q. Did you request that material in preparing 3 your opinion? 4 A. I did not. 5 Q. Do you understand that that material was 6 cited in the petition for IPR in the matter? 7 A. I don't remember. 9 Q. Do you think it would have been important to review all the material supporting the IPR in this 9 material – or in this case before rendering your 11 opinions? 12 A. I don't – I don't know what's in 1011. 13 Q. That's because you haven't reviewed it, 14 though: right? 15 A. That's correct. 16 Q. So it could have information that would be material to you opinior, correct? 17 A. I don't – I don't know. 18 material to you opinion; correct? 18 A. I don't how. 19 Q. Did you intentionally not review Exhibit 1011; or was that a choice of counsel? 20 A. A. I don't remember. I don't remember. I don't remember. I don't remember any discussion regarding that. 10 DUNCAN MOORF, PH.D. 20 Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? 31 declaration provided to you by counsel? 42 A. Sorry. Restate. 43 Q. Were there any other materials that you requested from counsel that were not provided to you? 31 A. No. 32 Q. Were there any other materials that you requested from counsel that were not provided to you? 33 A. No. 34 C. A. For you adelaration, which is going to be exhibit – or paragraph 119. If you can see the page number, it's page 67. 4 A. You said paragraph 119? 4 A. You said paragraph 119? 5 Q. Vere there any other materials that you requested from counsel that were not provided to you? 5 A. Yes, except for the books, which I already owned. 5 Q. Were there any other materials that you requested from counsel that were not provided to you? 5 A. Yes, it's gage 67. 5 A. You said paragraph 119? 6 Q. Vere there any other materials that you requested from counsel that were not provided to you? 5 A. You said paragraph 119. If you can see the page number, it's page 67. 6 A. You said paragraph 119. If you can see the page number, it's page 67. 6 A. You said paragraph 119. If you can see the	1	DUNCAN MOORE PH D	1	DUNCAN MOORE, PH.D.
your opinion? A. I did not. Q. Do you understand that material was cited in the petition for IPR in the matter? A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this material — or in this case before rendering your opinions? A. I don't r-I don't know what's in 1011. Q. That's because you haven't reviewed it, though; right? A. That's correct. A. I don't seem the seem important to opinions? A. I don't show what's in 1011. Q. That's because you haven't reviewed it, though; right? A. I don't show. Q. Did you opinion; correct? A. I don't show. Q. Did you intentionally not review Exhibit 1011? A. A. I don't show. Q. Did you make the choice not to review Exhibit 1011, or was that a choice of counsel? A. I don't show. Q. Did you make the choice not to review exhibit 1011, or was that a choice of counsel? A. I don't not you by counsel? A. I don't remember. I don't exhibit — owned. DUNCAN MOORE, PH.D. Q. Were the materials ided in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials ided in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials ided in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials hat you requested from counsel that were not provided to you? A. No. Q. Were the materials hat you requested from counsel that were not provided to you? A. No. Q. Were the any other materials that you requested from counsel that were not provided to you? A. No. Q. Were the rangraph 119. If you can see the page number, it's page 67. A. Yes, at it's page 67. A. Yes, at is a signature or physical signature	1			
A I did not. Q. Do you understand that matterial was cited in the petition for IPR in the matter? A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this material - or in this case before rendering your opinions? A. I don't I don't know what's in 1011. Q. That's because you haven't reviewed it, though; right? A. I don't know what's in 1011. Q. That's because you haven't reviewed it, though; right? A. I don't know. Q. Did you intentionally not review Exhibit 1011, or was that a choice of counsel? A. I don't I don't remember. I don't remember any discussion regarding that. Page 15 DUNCAN MOORE, PH.D. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were there any other materials that you requested from counsel that were not provided to you by counsel? A. No. Q. Were there any other materials that you requested from counsel that were not provided to you by counsel? A. No. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials that you requested from counsel that were not provided to you? A. No. Q. Were there any other materials that you requested from counsel that were not provided to you? A. No. Q. Were there any other materials that you requested from counsel that were not provided to you? A. No. Q. Were the materials that you can see the page number, it's page 67. A. Yes, except for the books, which I already on the paragraph of your declaration, was not changed before being submitted to the United States Patent Office? A. The third into the very last day at the last hour. So I assume it did not change. A. I don't know - I can't be activation to the final version that you submitted your electronic is ignature to the books, which I already to the final version that you submitted your electronic is ignature to the beauth of the Uni				e
Signature to the declaration, how do you know that the decited in the petition for IPR in the matter? A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this material — or in this case before rendering your opinions? A. I don't -I don't know what's in 1011. Q. That's because you haven't reviewed it, though, right? A. That's correct. O. Do it ould have information that would be material to you opinion; correct? A. I don't know. Q. Did you intentionally not review Exhibit 101? A. I did not. I did not review it. Q. Did you make the choice not to review Exhibit 101? Exhibit 1011, or was that a choice of counsel? A. I don't remember. I don't remember any discussion regarding that. Page 15 DUNCAN MOORE, PH.D. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. Sorry, Restate. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials cited in paragraph 3 of your declaration provided to you by counsel? A. No. Q. Were the materials that you can see the page number, it's page 67. A. Yes, except for the books, which I already owned. Q. Were there any other materials that you requested from counsel that were not provided to you? A. No. Q. It can have you turn to the last paragraph of your declaration, which is going to be exhibit - or paragraph 119. If you can see the page number, it's page 67. A. Yes, at the bottom of page 67 under paragraph 119, there is a signature at the bottom of the paragraph 119, there is a signature at the bottom of the paragraph 119, there is a signature at the bottom of the paragraph 119, there is a signature or physical signature? A. I believe that's electronic. A. I believe that's electronic signature or physical signature? A. I believe that's electronic signature or physical signature? A. I believe that's electronic signature or physical signature? A. I can the declaration on or about March 4, 2019? A. A. No. Q. Ok	1			
cited in the petition for IPR in the matter? A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this material—or in this case before rendering your joinons? 11 opinions? 12 A. I don't — I don't know what's in 1011. 13 Q. That's because you haven't reviewed it, though, right? 14 though, right? 15 A. That's correct. 16 Q. So it could have information that would be material to you opinion; correct? 17 A. I don't know. Q. Did you intentionally not review Exhibit 1011, or was that a choice of counsel? 24 A. I don't - I don't remember. 25 Page 15 26 Q. Were them and rial to don't remember. 26 Q. Were them atterials in paragraph 3 of your declaration provided to you by counsel? 27 A. No. Q. Were them any other materials that you requested from counsel that were not provided to your by counsel? 28 A. No. Q. Were there any other materials that you requested from counsel that were not provided to you? 10 requested from counsel that were not provided to you? 11 A. Yes, except for the books, which I already owned. Q. Were there any other materials that you requested from counsel that were not provided to you? 10 requested from counsel that were not provided to you? 11 A. Yes, it is. Q. Yes, At the bottom of page 67 under paragraph 119, three is a signature or physical signature? 22 physical signature? 23 A. I believe that's electronic. 24 Q. How do you know since supplying your 25 A. Yes, it is. Q. Yes that an electronic signature or physical signature? 26 A. Yes, it is. Q. How do you know since supplying your				
A. I don't remember. Q. Do you think it would have been important to review all the material supporting the IPR in this to review all the material supporting the IPR in this opinions? A. I don't - I don't know what's in 1011. Q. That's because you haven't reviewed it, though, right? A. That's correct. A. That's correct? A. I don't know. Q. Did you opinion; correct? A. I don't know. Q. Did you intentionally not review Exhibit 1011? A. A. I did not. I did not review it. Q. Did you intentionally not review Exhibit 1011. Q. Did you make the choice not to review Exhibit 1011, or was that a choice of counsel? A. A. Todn't - I don't remember. I don't remember any discussion regarding that. Page 15 DUNCAN MOORE, PH.D. Q. Were the materials in paragraph 3 of your declaration provided to you by counsel? A. Yes, except for the books, which I already wowned. Q. Were there any other materials that you requested from counsel that were not provided to you? A. Yes, except for the books, which I already wowned. Q. Were there any other materials that you requested from counsel that were not provided to you? A. Yes, at the last bour. So I assume it did not change. Q. So it was an assumption on your pagr? doing information, especially when I'm on travel. Q. Have you done anything to confirm that the final version that you submitted to is signature to is the same version that the submitted. A. I don't know. Q. Did you intentionally not review Exhibit 1011? A. I did not. I did not review it. Q. Did you make the choice not to review exhibit 1011? A. I don't how. Page 15 DUNCAN MOORE, PH.D. Q. Were the materials in paragraph 3 of your declaration provided to you by counsel? A. Yes, except for the books, which I already worned. Q. Were there any other materials that you requested from counsel that were not provided to you? A. No. Q. If I can have you during the there is a signature of the page. Is that your signature? Q. Yes, At the bottom of page 67 under physical signature or page 119, there is a signature at the bo				
Q. Do you think it would have been important to review all the material supporting the IPR in this material - or in this case before rendering your opinions? 11	1			
to review all the material supporting the IPR in this material — or in this case before rendering your opinions? A. I don't know what's in 1011. Q. That's because you haven't reviewed it, though; right? A. That's correct. Q. So it could have information that would be material to you opinion; correct? A. I don't know. Q. Did you intentionally not review Exhibit 1011. A. I did not. I did not review it. Q. Did you make the choice not to review 225. Exhibit 1011, or was that a choice of counsel? A. I don't -I don't remember. I don't remember any discussion regarding that. Page 15 DUNCAN MOORE, PH.D. Q. Were the materials in paragraph 3 of your declaration provided to you by counsel? A. Yes, except for the books, which I already owned. Q. Were there any other materials that you requested from counsel that were not provided to youn't a paragraph of your declaration, which is going to be exhibit — or paragraph 119. If you can see the page number, it's page 67. A. Yes, at the bottom of page 67 under physical signature? A. Yes, it is. Q. How do you know since supplying your day at the last hour. So I assume it did not change. Q. So it was an assumption on your part? A. I often use electronic signatures for doing information, especially when I'm on travel. A. I don't hat was submitted to the United States Patent and Trial Trademark Office? A. I can only say that this is what I submitted. It is ubmitted. It is paragraph of your electronic signature to your declaration on or about March 4, 2019? A. Yes, except for the books, which I already owned. Q. Were there any other materials that you requested from counsel that were not provided to you? A. Yes, except for the books, which I already on the page is that your signature? Q. Yes. At the bottom of page 67 under paragraph in 19, there is a signature at the bottom of the page. Is that your signature? Q. Yes. At the bottom of page 67 under physical signature? Q. Yes. At the bottom of				
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