

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

3 -----

4 QUALCOMM INCORPORATED

5 Petitioner,

6 v.

7 MONTEREY RESEARCH LLC,

8 Patent Owner.

9 -----

10 Inter Partes Review No. IPR2020-01492

11 U.S. Patent 6,765,407

12 -----

13
14 REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF

15 ROBERT J. MURPHY

16 Tuesday, May 18, 2021

17
18
19
20
21
22
23
24 Reported By: Lynne M. Ledanois, CSR 6811

25

Page 2

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 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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 10 Inter Partes Review No. IPR2020-01492
 11 U.S. Patent 6,765,407
 12 -----
 13
 14 Videotaped deposition of ROBERT J.
 15 MURPHY, taken in Los Gatos, California,
 16 commencing at 8:00 a.m., on Tuesday, May 18,
 17 2021 before Lynne Ledanois, Certified
 18 Shorthand Reporter No. 6811
 19
 20
 21
 22
 23
 24
 25

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1 INDEX OF EXAMINATION
 2
 3 Examination by: Page
 4 Mr. Wueste 8
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 18
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 22
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 24
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1 REMOTE APPEARANCES
 2
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 10 mwueste@desmaraisllp
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 15 BY: BRETT McKEAN
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 18 Suite 5100
 19 Houston, Texas 77010-3095
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 21 brett.mckean@nortonrosefulbright.com
 22
 23 ALSO PRESENT:
 24 Jill Warren, Videographer
 25

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1 INDEX OF EXHIBITS
 2 Deposition Description Page
 3 Exhibit 2008 Declaration of Robert Murphy 142
 4 in Support of Defendant GSI
 5 Technology, Inc.'s Respon-
 6 sive Claim Construction
 7 Brief;
 8
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 21
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Page 6

1 Tuesday, May 18, 2021
2 8:00 a m.
3
4 VIDEOGRAPHER: Good morning. 07:59
5 We are on the record at 8:00 a m. 07:59
6 on Tuesday, May 18, 2021. 08:00
7 This is the beginning of 08:00
8 Media Number 1 of the 08:00
9 video-recorded deposition of 08:00
10 Robert Murphy taken by counsel for 08:00
11 patent owner in the matter of 08:00
12 Qualcomm Incorporated versus 08:00
13 Monterey Research LLC filed in the 08:00
14 United States Patent and Trademark 08:00
15 Office before the Patent Trial and 08:00
16 Appeal Board. Inter partes review 08:00
17 number IPR2020-01492. 08:00
18 This deposition is being 08:00
19 conducted using Veritext Virtual 08:00
20 Zoom technology and all 08:00
21 participants are attending 08:00
22 remotely. 08:00
23 Please note microphones are 08:00
24 sensitive and may pick up 08:00
25 whispers, private conversations 08:00

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1 and cellular interference. 08:00
2 Until all parties agree to 08:00
3 go off the record, audio and video 08:00
4 recording will continue to take 08:01
5 place. 08:01
6 My name is Jill Warren and 08:01
7 I'm the videographer. The court 08:01
8 reporter is Lynne Ledanois and we 08:01
9 are with Veritext Legal Solutions. 08:01
10 If there are any objections 08:01
11 to proceeding, please state them 08:01
12 at the time of your appearance. 08:01
13 Beginning with the noticing 08:01
14 attorney, please state your 08:01
15 appearance. 08:01
16 MR. WUESTE: Michael Wueste 08:01
17 of Desmarais LLP for patent owner 08:01
18 Monterey Research LLC. 08:01
19 MR. LEVENTHAL: Daniel 08:01
20 Leventhal, Norton Rose Fulbright 08:01
21 US LLP for petitioner Qualcomm 08:01
22 Incorporated and with me is my 08:01
23 colleague Brett McKean. 08:01
24 VIDEOGRAPHER: Thank you. 08:01
25 The court reporter will administer 08:01

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1 the oath, then counsel may 08:01
2 proceed. 08:01
3 08:01
4 ROBERT J. MURPHY, 08:01
5 having been duly sworn, testified as follow08:01
6 EXAMINATION 08:01
7 BY MR. WUESTE: 08:02
8 Q Good morning, Dr. Murphy. 08:02
9 A Good morning. It's just 08:02
10 mister. 08:02
11 Q Okay. Mr. Murphy, would you 08:02
12 please state your name and address for 08:02
13 the record? 08:02
14 A Sure. My name is Robert J. 08:02
15 Murphy. My address is 72 Fairview, 08:02
16 that's one word, Plaza. The city is 08:02
17 Los Gatos, two words, California 08:02
18 95030. 08:02
19 Q Mr. Murphy, you've been 08:02
20 deposed before; correct? 08:02
21 A That's correct. 08:02
22 Q How many times? 08:02
23 A Actually, I've never 08:02
24 counted. More than ten. 08:02
25 Q I understand today is your 08:02

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1 first remote deposition; is that 08:02
2 correct? 08:02
3 A That's correct. 08:02
4 Q I understand you are an 08:02
5 experienced witness, but remote 08:02
6 depositions are a little bit 08:02
7 different. The one caution I'll give 08:02
8 you is that it's never more important 08:02
9 than in a typical deposition that we 08:02
10 try not to interrupt each other or 08:03
11 talk over each other because we're 08:03
12 dealing with computers and internet 08:03
13 delays at times. 08:03
14 I'm going to do my very, 08:03
15 very best to let you finish my answer 08:03
16 before I ask another question and I 08:03
17 ask that you do the same. Is that 08:03
18 okay? 08:03
19 A That's okay. 08:03
20 Q Mr. Murphy, do you 08:03
21 understand that you're under oath 08:03
22 today? 08:03
23 A I do. 08:03
24 Q Is there any reason you're 08:03
25 not able to testify truthfully and 08:03

Page 10

1 accurately today? 08:03
 2 A Not that I am aware of. 08:03
 3 Q My apologies for this. I 08:03
 4 have a couple more questions because 08:03
 5 we're doing this virtually. 08:03
 6 Where are you located today 08:03
 7 to provide your testimony? 08:03
 8 A Located in what sense? 08:03
 9 Q Are you in your house or an 08:03
 10 office? 08:03
 11 A I'm in my house. 08:03
 12 Q And is there anybody else in 08:03
 13 the room with you today? 08:03
 14 A No. 08:03
 15 Q Do you have any documents in 08:03
 16 the room with you today? 08:03
 17 A No. 08:04
 18 Q Okay. 08:04
 19 A Sorry, I have clean copies 08:04
 20 of all the exhibits that were in my 08:04
 21 expert report provided to me by 08:04
 22 counsel. 08:04
 23 Q So just to confirm, do you 08:04
 24 have a paper copy of your declaration 08:04
 25 that you submitted in support of 08:04

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1 Qualcomm's IPR petition? 08:04
 2 A Yes. 08:04
 3 Q You also have a paper copy 08:04
 4 of all exhibits that were cited in 08:04
 5 your declaration? 08:04
 6 A Correct. That's what I 08:04
 7 asked them to send me and they did 08:04
 8 just because my history is on paper 08:04
 9 really; right? 08:04
 10 Q Understood. And just to 08:04
 11 confirm, you mentioned those are clean 08:04
 12 copies. Neither your declaration nor 08:04
 13 any of the exhibits have any notes on 08:04
 14 them; correct? 08:04
 15 A That is correct. 08:04
 16 Q Are there any other paper 08:05
 17 documents in your room today that 08:05
 18 you've used in preparation for today's 08:05
 19 deposition? 08:05
 20 A No. 08:05
 21 Q Again, my apologies for 08:05
 22 this, it's just something that I want 08:05
 23 to do because we're doing this 08:05
 24 virtually. 08:05
 25 Do you have any other 08:05

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1 electronic devices in the room with 08:05
 2 you that you can use to communicate 08:05
 3 other than the device you're currently 08:05
 4 using to appear over Zoom? 08:05
 5 A I have my cell phone here, 08:05
 6 but I understand that it's a 08:05
 7 deposition, I'm not allowed to 08:05
 8 communicate with anyone at least while 08:05
 9 we're still on the record. 08:05
 10 If you would like me to move 08:05
 11 it to the kitchen, I will. 08:05
 12 Q No need to move it to the 08:05
 13 kitchen. I appreciate your 08:05
 14 representation. But if you would 08:05
 15 please turn the cell phone off at 08:05
 16 least while we're on the record. Is 08:05
 17 that okay? 08:05
 18 A Yes, sure. That didn't 08:05
 19 work. How come? It's not something I 08:06
 20 do regularly. 08:06
 21 Q Thank you very much, 08:07
 22 Mr. Murphy. 08:07
 23 A No problem. 08:07
 24 Q I understand that you 08:07
 25 already said this, but just so the 08:07

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1 record is clear, you understand you've 08:07
 2 been sworn in and you may not 08:07
 3 communicate with anyone about the 08:07
 4 substance of your testimony during the 08:07
 5 course of today's deposition; correct? 08:07
 6 A Yes, that's pretty standard 08:07
 7 rules for these types of depositions. 08:07
 8 Q Okay. Mr. Murphy, what did 08:07
 9 you do to prepare for today's 08:07
 10 deposition? 08:07
 11 A Well, I certainly reread my 08:07
 12 declaration. I reread various of the 08:07
 13 exhibits that are in my declaration. 08:07
 14 I conferred with counsel. That's 08:07
 15 pretty much most of it. 08:07
 16 Q Okay. Aside from reading 08:07
 17 your declaration and exhibits cited 08:07
 18 within your declaration, did you read 08:07
 19 any other documents in preparation for 08:08
 20 today's deposition? 08:08
 21 A I read the document that is 08:08
 22 referenced in Schaefer which is an 08:08
 23 SDRAM document printed by Microsoft -- 08:08
 24 not Microsoft, Micron. 08:08
 25 And I referenced a 1998 08:08

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1 version document of the same device. 08:08

2 Q So to walk through that, in 08:08

3 addition to your declaration and the 08:08

4 exhibits cited within your 08:08

5 declaration, you also reviewed a 08:08

6 functional specification for a Micron 08:08

7 SDRAM device; is that correct? 08:09

8 A Yes. Schaefer references an 08:09

9 SDRAM device in a particular column 08:09

10 early in the patent. 08:09

11 I looked at that to see what 08:09

12 it had it in because it's an internal 08:09

13 reference to his patent. 08:09

14 Then to refresh my memory 08:09

15 about operations of SDRAMs, I looked 08:09

16 at a future reference of that same 08:09

17 part which was printed in 1998, I 08:09

18 believe. 08:09

19 Q And neither of those 08:09

20 documents, the Micron SDRAM functional 08:09

21 specification or the 1998 future 08:09

22 revision of that functional 08:09

23 specification, were explicitly cited 08:09

24 or separately cited in your 08:09

25 declaration; correct? 08:09

Page 15

1 A That's correct. 08:09

2 Q Did you rely on either of 08:09

3 those documents in the course of 08:10

4 forming your opinions as set forth in 08:10

5 your declaration? 08:10

6 A They are not listed in my 08:10

7 declaration and the reason they are 08:10

8 not listed is because I did not rely 08:10

9 on them. 08:10

10 Q Okay. Why did you feel the 08:10

11 need to reference them in preparation 08:10

12 for today's deposition if you did not 08:10

13 rely on them in the course of forming 08:10

14 your opinions as set forth in your 08:10

15 declaration? 08:10

16 A Just because it's been 08:10

17 awhile since I looked at SDRAMs and 08:10

18 there was a time, it's quite a few 08:10

19 years ago now, where I was -- all that 08:10

20 information was very present to me and 08:10

21 it wasn't as present anymore. So I 08:10

22 referenced the document just to 08:10

23 refresh my memory. 08:10

24 Q In your review of either of 08:10

25 those documents, did you -- strike 08:10

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1 that. 08:10

2 After reviewing the 08:10

3 functional specification for the 08:11

4 Micron SDRAM as well as the 1998 08:11

5 revision of that functional 08:11

6 specification, do you intend to change 08:11

7 any of the opinions set forth in your 08:11

8 declaration sitting here today? 08:11

9 A I do not. 08:11

10 Q Okay. You also mentioned in 08:11

11 preparation for today's deposition, 08:11

12 you met with counsel; correct? 08:11

13 A That's correct. 08:11

14 Q For how long? 08:11

15 A Two three-day -- sorry, two 08:11

16 three-hour sessions and one about 08:11

17 two-and-a-half-hour session, 08:11

18 approximately. 08:11

19 Q So in preparation for 08:11

20 today's deposition, you met with 08:11

21 counsel for approximately eight and a 08:11

22 half, nine hours? 08:11

23 A Yes. 08:11

24 Q And you met with 08:11

25 Mr. Leventhal and Mr. McKean? 08:11

Page 17

1 A That's correct. 08:11

2 Q Anyone else? 08:11

3 A No. 08:12

4 Q Mr. Murphy, in how many 08:12

5 patent cases have you provided expert 08:12

6 opinions? 08:12

7 A I don't know the actual 08:12

8 count. It's, again -- it might be 08:12

9 ten, it might be slightly over ten, I 08:12

10 don't know. Everything that I have 08:12

11 been involved in is listed on my C.V. 08:12

12 Q Safe to say somewhere 08:12

13 between ten, 15 cases; is that fair? 08:12

14 A That would be a good guess I 08:12

15 would say, yes. 08:12

16 Q How many of those patent 08:12

17 cases have been inter partes review 08:12

18 matters? 08:12

19 A I don't know. I would 08:12

20 venture a guess and say at least six; 08:12

21 but again, it's all in my C.V. 08:12

22 Q And how many of those ten to 08:12

23 15 patent cases have been District 08:12

24 Court matters? 08:12

25 A Almost the rest of them I 08:13

5 (Pages 14 - 17)

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