UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS

AMERICA, INC., AND APPLE, INC.,

Petitioners,

v.

NEONODE SMARTPHONE LLC,

Patent Owner,

_____

Case IPR2021-00144

Patent 8,095,879

_____

REMOTE DEPOSITION OF DR. BENJAMIN B. BEDERSON

FRIDAY, JULY 22, 2022, 2022

7:58 A.M. P.D.T.

WITNESS SITUATED IN NORTHAMPTON, MASSACHUSETTS

Reported by Megan M. Grossman-Sinclair
CSR No. 12586

APPEARANCES OF COUNSEL
(All appearances via Zoom Videoconference)

For Petitioner:
    DLA PIPER
    TIFFANY MILLER, ESQ.
    401 B Street
    Suite 1700
    San Diego, California 92101
    T: (619) 699-3445
    tiffany.miller@dlapiper.com
    THE HOLT LAW FIRM
    DAVID HOLT, ESQ.
    1432 Edinger Ave
    Suite 130
    Tustin, California 92780
    T: (714) 730-3999
    Holt@fr.com

For Patent Owner:
    LOWENSTEIN AND WEATHERWAX
    PARHAM HENDIFAR, ESQ.
    1016 Pico Boulevard
    T: (310) 307-4500
    Santa Monica, California 90405
    Hendifar@lowensteinweatherwax.com

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WITNESS: DR. BENJAMIN B. BEDERSON

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          INSTRUCTIONS NOT TO ANSWER
                PAGE   LINE
                  (None)

          INFORMATION REQUESTED
                PAGE   LINE
                  (None)

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NORTHAMPTON, CALIFORNIA;
FRIDAY, JULY 22, 2022, 2022; 7:58 A.M.

DR. BENJAMIN B. BEDERSON,
having been first duly sworn,
testifies as follows:

EXAMINATION
BY MR. HENDIFAR:
Q. Good morning, Dr. Bederson.
A. Good morning.
Q. Thank you very much for your time. Just for the record, we are here in connection with your supplemental declaration in IPR 2021-00144 filed as Exhibit 1051.
(Exhibit No. 1051 was previously marked for identification by.)
BY MR. HENDIFAR:
Q. Is that your understanding as well?
A. Yes, it is.
Q. You had an earlier deposition in this matter in connection with your first declaration. Do you recall that?
A. Yes, I do.
Q. And in connection with that

1 deposition we went through some of the basic rules
2 of depositions in IPRs. I don't want to waste
3 your time repeating those. Do you have any
4 questions, comments, or concerns about the
5 procedure of this deposition?
6   A. No, I do not.
7   Q. Okay. Great. What did you do to
8 prepare for your deposition today?
9   A. I reviewed documents and talked
10 with counsel.
11   Q. What documents did you review?
12   A. I'm not sure that I can recall
13 every document that I reviewed, but I recall at
14 least some of them, so if you would like I can
15 tell you the ones I remember.
16   Q. I will rephrase my question. Did
17 you review any documents that are not cited in
18 your declaration Exhibit 1051 in connection with
19 preparing for today's deposition?
20   A. I believe there were some documents
21 that were created after my first report, so I
22 reviewed those. I think they may have included a
23 patent owner response, an expert's response, and
24 that expert deposition transcript.
25   Q. So my question was about documents

1 that are not cited in your second declaration.
2 So --
3   A. I'm sorry, I misunderstood.
4   Q. No worries. Did you review any
5 documents that are not cited in your second
6 declaration in connection with preparing for your
7 deposition today?
8   A. I can't think of any.
9   Q. Who drafted your second
10 declaration?
11   MS. MILLER: Objection; form.
12   THE WITNESS: I would say it was a
13 collaborative effort between me and counsel and
14 they represent my considered opinion. And I think
15 that's enough.
16   MR. HENDIFAR: Sure. I am going to
17 put a document in the chat box which we will mark
18 as Exhibit 2043. And for the court reporter's
19 benefit this one has to be marked because it's not
20 on record as of yet.
21   (Exhibit No. 2043 was marked for
22   identification and is attached
23   hereto.)
24 BY MR. HENDIFAR:
25   Q. Please let me know when you have

1 it.
2   A. Okay. I see it.
3   Q. So we will mark this document as
4 Exhibit 2043. Have you seen this document before?
5   A. Sorry. Just give me one second. I
6 need to change the way I am accessing the
7 document. I don't have a specific recollection of
8 it.
9   Q. Can you identify what this document
10 appears to be?
11   A. It appears to be an excerpt from a
12 book called Mac OS 9: The Missing Manual, The
13 book that should have been in the box.
14   Q. May I please refer you to Page 9,
15 pdf Page 9, of this document.
16   A. Okay.
17   Q. Do you see on the top portion, it
18 talks about the author of the book?
19   A. Yes, I do.
20   Q. And have you heard of David Pogue,
21 the author of Exhibit 2043, prior to today's
22 deposition?
23   MS. MILLER: Objection.
24   THE WITNESS: Yes, I have.
25

1 BY MR. HENDIFAR:
2   Q. Who is David Pogue?
3   MS. MILLER: Objection; scope.
4   THE WITNESS: I don't think that I
5 referenced David Pogue in my reports, but I
6 recognize him as being a writer.
7 BY MR. HENDIFAR:
8   Q. Okay. "About the Author" section
9 says David Pogue is an award-winning Macworld
10 magazine columnist. What does that mean?
11   MS. MILLER: Objection; form.
12   THE WITNESS: It appears to be
13 describing David Pogue as a magazine columnist for
14 Macworld and appears to describe him as someone
15 that has won awards.
16 BY MR. HENDIFAR:
17   Q. Is it fair to describe David Pogue
18 as a reputable author of various user guides and
19 manuals for computers such as Macs?
20   MS. MILLER: Objection; form,
21 scope.
22   THE WITNESS: So that's not
23 something I analyzed for my reports, but based on
24 my general knowledge of David Pogue, I would say
25 yes.

BY MR. HENDIFAR:

Q. And may I please refer you to Page 4 of the pdf in the Exhibit 2043.

A. Okay.

Q. This document has a copyright date of 2000; correct?

A. I see on this page that it says "Copyright 2000," and then it says "March 2000: First edition."

Q. Does the year 2000 comport with your recollection for approximate release date of Mac Operating System 9?

MS. MILLER: Objection; form, scope.

THE WITNESS: I don't believe that's something I considered in my reports, but based on my general recollection, that seems to be generally consistent with what I remember Mac OS9 being available.

BY MR. HENDIFAR:

Q. Thank you. Now, may I please refer you to pdf Page 18 which is native page number, in the document, 105.

A. Okay.

Q. And on top of the page there is a

section titled "Using the Application Palette For Drag and Drop." Do you see that?

A. I do.

Q. And in this section the book explains that you can open the file by dragging and dropping it on the application palette; correct?

MS. MILLER: Objection; form.

THE WITNESS: Would you mind repeating your question?

BY MR. HENDIFAR:

Q. Sure. In this section of the book, the book explains that -- and I am going to quote from the description of figure 6-3. The book explains that:

"To open a document using a program that didn't create it, drag the document icon from the desktop onto the corresponding tile of the Application palette."

Correct?

A. You read that sentence correctly.

Q. Now, during the dragging operation described on Page 105 of Exhibit 2043, the visual representation of the icon being moved is a

grayed-out version of the same icon version; correct?

MS. MILLER: Objection; form.

THE WITNESS: This is not a document that I have analyzed for my reports. I don't think I have seen it before today. So I am really not completely sure what it is representing. I do see in Figure 6-3 there is an icon labeled "Read Me" and there is another icon labeled "Read Me" that is a -- looks similar to the first icon, but it appears to be partially transparent.

BY MR. HENDIFAR:

Q. Okay. And is it fair to state that on Page 1 of 5 of Exhibit 2043, at least what is described or shown in Figure 6-3, is that the visual representation of the icon being moved is a partially transparent version of the same icon?

MS. MILLER: Objection; form, scope.

THE WITNESS: So, as I said, I haven't seen this document before today and I have not analyzed it and I haven't seen any other sections of this document except for this half of a page. So I have told you what I see in this

figure and I hear your question and it may be, but I just don't have an opinion about that.

BY MR. HENDIFAR:

Q. What other information do you need to opine on what Figure 6-3 of Page 105 in Exhibit 2043 is showing?

MS. MILLER: Objection; form, scope.

THE WITNESS: Well, to form an opinion about what is being described here, I would want to look at the rest of the document to see what else it might say about this kind of interaction and I would want more time to reflect on it.

BY MR. HENDIFAR:

Q. I have included the entirety of Chapter 6 so please feel free to take a look if you need to. Because my question is pretty simple. I am going to wait a few minutes for you to review and then let me know what else you might need to review.

A. Okay. I will review the rest of Chapter 6.

(Document reviewed by witness.)

THE WITNESS: Okay. I have

1 reviewed other sections of this document. Can you
2 repeat the question one more time for me, please?
3 BY MR. HENDIFAR:
4 **Q. Of course. Is it correct that in**
5 **Figure 6-3 of Exhibit 2043 it shows opening a file**
6 **by dragging its icon and dropping it to the**
7 **corresponding tile of the application palettes;**
8 **the visual representation shown during the**
9 **dragging is a partially transparent copy of the**
10 **icon for the file?**
11 MS. MILLER: Objection; form,
12 scope.
13 THE WITNESS: So, as I said, this
14 is a document that I have not considered before
15 sitting here today. So while I have not formed
16 any considered opinions about it, I do hear your
17 question, what you are asking, and as I said
18 before, Figure 6-3 shows how a document can be
19 opened using a program that didn't create it, and
20 it's described as occurring by dragging the
21 document icon from the desktop onto the
22 corresponding tile of the application palette.
23 But I really just don't have any
24 further opinions about this document. I do see
25 that throughout this document it discloses

1 multiple ways of dragging visual elements
2 including dragging the outline of an element that
3 I saw on Page 25 of the pdf.
4 BY MR. HENDIFAR:
5 **Q. Thank you. But I don't believe you**
6 **answered my question. Is it correct that in**
7 **Figure 6-3 what is shown is that a partially**
8 **transparent copy of an icon is being dragged to**
9 **the corresponding tile?**
10 MS. MILLER: Objection; form,
11 scope.
12 THE WITNESS: So, as I said, this
13 is not a document that I have considered before so
14 I don't have an informed opinion about it, but
15 sitting here today, as I said, Figure 6-3 does
16 appear to show the opening of a document using a
17 program that didn't create it. And that occurs by
18 dragging the document icon from the desktop onto
19 the corresponding tile.
20 Furthermore, I see in Figure 6-3
21 there is one icon labeled "Read Me" and another
22 icon that looks like it may be a transparent
23 version of that "Read Me" icon that is over the
24 Microsoft Word button, but beyond that I just
25 don't have an opinion about how this works.

1 BY MR. HENDIFAR:
2 **Q. Thank you. Now, may I please refer**
3 **you to Page 26 of the pdf in Exhibit 2043, which**
4 **is Page 245, native page number, of this document.**
5 A. Okay.
6 **Q. I would like to specifically direct**
7 **your attention to Figure 14-2. As before, I have**
8 **included the entirety of Chapter 14, so if you**
9 **need to review anything, please feel free.**
10 **My question is, does Figure 14-2 of**
11 **Exhibit 2043 show a drag-and-drop operation where**
12 **a partially transparent version of the icon is**
13 **shown as being dragged during the drag-and-drop**
14 **operation?**
15 MS. MILLER: Objection; form,
16 scope.
17 (Document reviewed by witness.)
18 THE WITNESS: Okay. I have
19 reviewed sections of this chapter. Would you mind
20 repeating the question, please?
21 BY MR. HENDIFAR:
22 **Q. Of course. Looking at Figure 14-2,**
23 **does this figure show, as far as you can see on**
24 **the figure, a drag-and-drop operation where the**
25 **icon being dragged -- strike that. I will**

1 **rephrase the question.**
2 **Looking at Figure 14-2 of**
3 **Exhibit 2043, does this figure appear to show a**
4 **drag-and-drop operation where a partially**
5 **transparent copy of the icon being dragged is**
6 **visually shown during the drag operation?**
7 MS. MILLER: Objection; form,
8 scope.
9 THE WITNESS: So, again, this is
10 not a document that I have seen before today, as
11 far as I know, and I have not considered this for
12 my report, so I really don't have any opinions
13 about what it discloses.
14 Sitting here today I can see in
15 Figure 14-2 it describes that you can drag
16 Internet location files from the desktop directly
17 into your bookmarks list. So this figure may be
18 representing that dragging operation and the
19 figure seems to show an icon on the right labeled
20 www.Macworld.com, and then another icon in the
21 middle that looks like it may be a transparent
22 version of the first icon, and that middle icon is
23 under the mouse cursor.
24 BY MR. HENDIFAR:
25 **Q. Thank you very much. Would a**

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