

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS
AMERICA, INC., AND APPLE, INC.

Petitioner,

vs.

NEONODE SMARTPHONE, LLC

Patent Owner.

Case IPR 2021-00144

Patent 8,095,879

REMOTE EXPERT DEPOSITION OF BENJAMIN BEDERSON, Ph.D.

FEBRUARY 28, 2022

8:03 a.m.

Diana Janniere, CSR-10034

Magna Legal Services

866-624-6221

1 lift off?

2 Q Okay.

3 A That is what Sears uses that I described in
4 Paragraph 54.

5 Q Okay. If the user lands -- if the user's
6 pen lands on the delete button 78 on Figure 5B of
7 Hirayama '878, and then he immediately lifts off the
8 pen without moving the pen, would a POSITA understand
9 that gesture to be a tapping gesture?

10 A Yes, I believe they would.

11 Q Now, if the user lands the pen on the delete
12 button, then drags the pen to outside of the delete
13 box, and then lifts off the pen, would that be
14 considered a tapping gesture?

15 MS. MILLER: Objection to form.

16 THE WITNESS: I don't think I formed a
17 specific opinion about that. I certainly -- in some
18 systems, that would not result in activating the
19 button. So it probably would not be considered a tap.

20 BY MR. HENDIFAR:

21 Q One last one. And I don't mean to challenge
22 you. This is just for me to have this done off my
23 plate.

24 So if the user lands the pen just outside of

1 delete button; and then lifts off the pen from the
2 delete button, would a POSITA ordinarily understand
3 that to be tapping?

4 MS. MILLER: Objection to form.

5 THE WITNESS: I think both of those are
6 examples where based on Ren's disclosure, those could
7 be ways of selecting the delete button; but I don't
8 think I formed a specific opinion about whether that
9 would be considered a tap.

10 What I looked at is what Hirayama '878 said,
11 which is the tip of the stylus touches the key, and
12 touch is very clearly a broad word that very
13 distinctly includes tap, as I described it.

14 And I've disclosed that in some of the art
15 that I included for -- with the things that a person
16 of skill would know, including Allard, which describes
17 a touch of a touch screen; and then goes on to say
18 that the feature that the touch wouldn't actually be
19 activated until he released the button.

20 So that's a clear indication that is
21 consistent with my understanding that the term "touch"
22 includes the interaction that we just described as
23 tap.

24 Q I would appreciate if you don't distract

1 straightforward.

2 As an expert, is it your opinion that a
3 POSITA would understand the gesture that is landing
4 the pen just outside of the delete button, dragging it
5 under the delete button, and then lifting it off;
6 would a POSITA ordinarily understand that gesture to
7 be a tap gesture?

8 MS. MILLER: Objection to form.

9 THE WITNESS: So, again, that's not
10 something that I specifically formed an opinion about
11 in my report. I didn't need to.

12 Because as I said, I showed why Hirayama
13 '878 does disclose the tap. I didn't have to go and
14 analyze the range of things that might not disclose a
15 tap.

16 BY MR. HENDIFAR:

17 Q As you indicated, you don't know whether or
18 not that gesture is disclosed as a tap?

19 MS. MILLER: Objection to form.

20 THE WITNESS: I think, as I already said,
21 based on the disclosures of Ren, at least it is a
22 possible form of selection, I did not analyze that
23 for whether it means the word tap or not.

24 I think it probably doesn't, but, I mean,

1 doesn't matter because for the all reasons I've said,
2 Hirayama '878 does disclose tap.

3 BY MR. HENDIFAR:

4 Q What does it mean to be the shell of an
5 operating system?

6 A You broke up a little bit. Do you mind
7 repeating the question?

8 Q What does it mean to be the shell of an
9 operating system?

10 MS. MILLER: Objection to form.

11 THE WITNESS: So I described the term shell
12 upon an operating system in my analysis of Claim 15.

13 For example, in Paragraphs 170 and 171,
14 regarding the Hirayama combination, and while I did
15 not offer a construction for that term; and don't have
16 a definition to give you today; I noted that that is
17 something that was not described at all in the patent
18 beyond just reciting the term.

19 But I did give examples, based on my own
20 experience, of what a person of ordinary skill would
21 have understood that to include and showed how
22 Hirayama discloses that.

23 BY MR. HENDIFAR:

24 Q Sitting here as an expert, do you know what

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