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Litigation Services

Sumit Roy, PH.D.

December 6, 2021

Qualcomm Incorporated and Zyxel
Communications Corporation

vs.

UNM Rainforest Inn

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED and
ZYXEL COMMUNICATIONS CORPORATION,

Petitioners,

v.

UNM RAINFOREST INNOVATIONS,

Patent Owner.

PTAB Case No. IPR2021-00375
Patent No. 8,265,096 B2

-and-

PTAB Case No. IPR2021-00377
Patent No. 8,249,204 B2

-and-

PTAB Case No. IPR2021-00582
Patent No. 8,565,326 B2

REMOTE DEPOSITION OF SUMIT ROY, PH.D.

Monday, December 6, 2021

7:14 a.m. PST/10:14 a.m. CST

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,
CLR, RSA, California Shorthand Reporter #14409, NYRCR,
NYACR, Remote Counsel Reporter, LiveDeposition
Authorized Reporter

Job Number: 258664

PohlmanUSA Court Reporting

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1 UNITED STATES PATENT AND TRADEMARK OFFICE
2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
4
5 QUALCOMM INCORPORATED and
6 ZYXEL COMMUNICATIONS CORPORATION,
7
8 Petitioners,
9
10 v.
11 UNM RAINFOREST INNOVATIONS,
12
13 Patent Owner.
14
15 PTAB Case No. IPR2021-00375
16 Patent No. 8,265,096 B2
17
18 -and-
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20 PTAB Case No. IPR2021-00377
21 Patent No. 8,249,204 B2
22 -and-
23 PTAB Case No. IPR2021-00582
24 Patent No. 8,565,326 B2
25
Remote Deposition of SUMIT ROY, PH.D., taken by
Counsel for Patent Owner, held remotely before
Cindy L. Sebo, Registered Merit Court Reporter,
Certified Real-Time Reporter, Registered
Professional Reporter, Certified Shorthand Reporter,
Certified Court Reporter, Certified LiveNote
Reporter, Real-Time Systems Administrator, California
Shorthand Reporter #14409, New York Realtime
Certified Reporter, New York Association Certified
Reporter, Remote Counsel Reporter, LiveDeposition
Authorized Reporter, Notary Public, stenographic
reporter located in Bowie, Maryland, on Monday,
December 6, 2021, from 7:14 a.m. PST/10:14 a.m. CST
to 10:48 a.m. PST/1:48 p.m. CST when were present on
behalf of the respective parties:

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2	SUMIT ROY, PH.D.	
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4	Monday, December 6, 2021	
5	CINDY L. SEBO, RMR, CRR, RPR, CSR, CCR, CLR,	
6	RSA, California Shorthand Reporter #14409,	
7	NYRCR, NYACR, Remote Counsel Reporter,	
8	LiveDeposition Authorized Reporter	
9		
10	(Previously Marked Exhibits Retained by Counsel.)	
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 22
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1 --oOo--
 2 P R O C E E D I N G S
 3 --oOo--
 4 Monday, December 6, 2021 7:14 a.m. PST/10:14 a.m. CST
 5 -oOo-
 6 SUMIT ROY, PH.D.,
 7 after having been first duly sworn remotely
 8 by the certified stenographer to tell the
 9 truth, the whole truth, and nothing but the
 10 truth, testified remotely as follows:
 11 -oOo-
 12 CERTIFIED STENOGRAPHER: Thank you.
 13 The witness is sworn, and I'll go
 14 on mute now.
 15 MR. SCHMIDT: So this is
 16 Henning Schmidt with UNM Rainforest
 17 Innovations representing -- and the law
 18 firm DiMuroGinsberg.
 19 Jonathan, do you want to announce
 20 yourself and whoever is with you?
 21 MR. DETRIXHE: Sure. This is
 22 Jonathan Detrixhe from Reed Smith,
 23 representing Petitioners, Qualcomm
 24 Incorporated and Zyxel Communications
 25 Corporation.

1 S T I P U L A T I O N S
 2
 3 IT IS HEREBY STIPULATED AND
 4 AGREED by and between counsel no party to the
 5 litigation will object to the remote
 6 deposition on the grounds that the certified
 7 stenographer may not have the legal authority
 8 to swear in the witness.
 9
 10 FURTHER STIPULATED AND AGREED
 11 that in lieu of the oath administered in
 12 person, the witness declares the testimony in
 13 this matter under the penalty of perjury.
 14
 15 FURTHER STIPULATED AND AGREED
 16 that the certified stenographer is not
 17 physically present in the deposition room and
 18 will be reporting this deposition remotely.
 19
 20 FURTHER STIPULATED AND AGREED
 21 all parties and their counsel consent to this
 22 arrangement and waive any objections to this
 23 manner of reporting.
 24
 25

1 Joining me is my colleague
 2 Pete Chassman, and also attending is
 3 Victoria Hao of Zyxel.
 4 --oOo--
 5 EXAMINATION BY COUNSEL FOR PATENT OWNER
 6 --oOo--
 7 BY MR. SCHMIDT:
 8 Q. Good morning, Dr. Roy.
 9 How are you?
 10 A. **Good morning. I'm fine. Thanks,**
 11 **Henning.**
 12 Q. Would you please state your whole
 13 name for the record?
 14 A. **It's Sumit Roy.**
 15 Q. And where are you located?
 16 A. **I'm in Seattle, Washington.**
 17 Q. Do you understand that you're
 18 testifying under oath today?
 19 A. **Yes, I do.**
 20 Q. So the meaning of that is you're
 21 testifying just as if you were in open court or
 22 testifying to a United States agency.
 23 Do you understand?
 24 A. **Understood.**
 25 Q. And you're under an obligation to

1 tell the truth to the best of your abilities.
 2 Do you understand that?
 3 **A. Correct, yes.**
 4 Q. Okay. And can you testify accurately
 5 today?
 6 **A. Yes.**
 7 Q. Any reason that may interfere with
 8 your ability to testify accurately?
 9 **A. No, there isn't.**
 10 Q. So we're here today to talk about
 11 three IPRs; specifically, IPR2021-00375, -377 and
 12 -582.
 13 Is that your understanding as well?
 14 **A. Yes.**
 15 Q. All right. And you are the expert
 16 witness who's written a declaration in these
 17 three proceedings, right?
 18 **A. Yes.**
 19 Q. Okay. Do you -- I understand that
 20 you have the exhibits -- all of your declarations
 21 and the exhibits thereto in front of you?
 22 **A. Yes. I have clean, hard copies.**
 23 Q. Okay. Let's start with your
 24 declaration in IPR-582.
 25 **A. Okay.**

1 **Would you mind referring me to the**
 2 **actual patent?**
 3 Q. Yes. The '326 patent.
 4 **A. '326. Yes, thank you.**
 5 **I have it.**
 6 Q. Okay. So this document is
 7 entitled -- just so we identify it on the
 8 record -- Inter Partes Review of
 9 U.S. Patent Number 8,565,326; the PTAB
 10 case number is IPR2021-00582 and the title of
 11 this document, specifically, is Declaration of
 12 Dr. Sumit Roy, Ph.D., Exhibit 1002.
 13 --oOo--
 14 (Whereupon, Exhibit Deposition
 15 Exhibit 1002 being previously marked for
 16 identification, was handed to the
 17 witness.)
 18 --oOo--
 19 BY MR. SCHMIDT:
 20 Q. Did I say your name correctly?
 21 **A. Yep, that's fine.**
 22 Q. So can we take a look at this
 23 document for a minute and confirm this is your
 24 declaration, indeed?
 25 **A. Yes -- you want me to look at my hard**

1 **copy?**
 2 **Yes. Yes, this is my declaration.**
 3 Q. Okay. Is it complete?
 4 **A. Yes. Yes, it is.**
 5 Q. Okay. As you sit here today right
 6 now, are you aware of anything that is incorrect
 7 in this declaration?
 8 **A. Not -- I'm not aware of anything**
 9 **that's incorrect.**
 10 Q. Okay. Did you write this
 11 declaration?
 12 **A. Yes, I did.**
 13 Q. How much time did you spend writing
 14 it?
 15 **A. Several iterations. I would estimate**
 16 **maybe about 50 hours or so.**
 17 Q. Okay. And you are testify --
 18 prepared to testify regarding this declaration
 19 today?
 20 **A. Yes, I am.**
 21 Q. Have you prepared for this
 22 deposition?
 23 **A. Yes, I did.**
 24 Q. How did you prepare?
 25 **A. Discussions with counsel prior --**

1 **prior to today.**
 2 Q. Anything else?
 3 **A. And I read through the declaration**
 4 **and all the associated exhibits.**
 5 Q. Anything else?
 6 **A. Referred to the patents, the prior**
 7 **art, which are part of the exhibits.**
 8 **That's -- that's it.**
 9 Q. That's it.
 10 Okay --
 11 **A. Yeah.**
 12 Q. -- whom did you meet with?
 13 **A. Counsel as -- on this call:**
 14 **Pete Chassman, Jonathan Detrixhe.**
 15 Q. Anyone else?
 16 **A. No.**
 17 Q. Did you speak to any other technical
 18 experts about this subject matter?
 19 **A. No, I didn't.**
 20 Q. How long did you guys prepare for --
 21 with the attorneys?
 22 **A. Over a couple of days.**
 23 Q. Have you been deposed before?
 24 **A. Yes, several times.**
 25 Q. Okay. So you're familiar with the

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