

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

Exhibit 2030
Greenspun, P.
03/27/23
@ptus

* * * * *

SAMSUNG ELECTRONICS CO., LTD., et al.,
Petitioner,

-v-

MEMORYWEB, LLC,
Patent Owner.

* * * * *

Patent No. 10,621,228
Inter Partes Review No. IPR2022-00222

DEPOSITION OF DR. PHILIP GREENSPUN

Zoom examination taken by agreement of counsel
on Thursday, January 19, 2023, commencing at 10:15
a.m.

Court Reporter via Zoom:
Darline Marie West, RPR, FPR

MAGNA LEGAL SERVICES
www.MagnaLS.com
866.624.6221

1 APPEARANCES VIA ZOOM:
 2 On behalf of the Petitioner:
 3 FISH & RICHARDSON
 4 1180 Peachtree Street NE
 5 Atlanta, Georgia 30309
 6 Phone: 404.892.5005
 7 E-mail: Cgreen@fr.com
 8 By: CHRISTOPHER GREEN, ESQ.
 9 HYUN JIN IN, ESQ.

10
 11 On behalf of the Patent Owner:
 12 NIXON PEABODY
 13 70 West Madison Street
 14 Chicago, Illinois 60602
 15 Phone: 312.977.4458
 16 E-mail: Mwerber@nixonpeabody.com
 17 By: MATTHEW A. WERBER, ESQ.
 18
 19 - - -
 20
 21
 22
 23
 24
 25

1 INDEX
 2 WITNESS: PAGE:
 3 DR. PHILIP GREENSPUN
 4 DIRECT EXAMINATION 4
 5 BY MR. WERBER:
 6 CERTIFICATE OF OATH 162
 7 REPORTER'S CERTIFICATE 163
 8 JURAT PAGE 164
 9 ERRATA SHEET 165

11 E X H I B I T S

12
 13
 14 Description Page
 15 Dr. Philip Greenspun Six renderings 70
 Deposition Exhibit 2024

16
 17 REPORTER'S NOTE:
 18 (Reporter downloaded this exhibit from the chat
 in Zoom but was unable to open it to mark; as a
 19 result it is not attached to the transcript.)
 20
 21 - - -
 22
 23
 24
 25

1 P R O C E E D I N G S

2 - - -
 3 THE COURT REPORTER: Okay. Sir, if you'll
 4 raise your right hand.
 5 Do you solemnly swear to tell the truth,
 6 the whole truth, and nothing but the truth?
 7 THE WITNESS: I do.
 8 THEREUPON,
 9 DR. PHILIP GREENSPUN,
 10 called as a witness on behalf of the Petitioner
 11 herein, having been remotely first duly sworn, was
 12 examined and testified as follows:
 13 DIRECT EXAMINATION
 14 BY MR. WERBER:
 15 Q. Good morning, Dr. Greenspun. Could you
 16 please state and spell your full name for the record.
 17 A. Sure. It's Philip Greenspun. P-H-I-L-I-P.
 18 And G-R-E-E-N-S-P-U-N.
 19 Q. And I posted to chat -- we'll go through
 20 some of the -- the typical routine. I posted to chat
 21 a Notice of Deposition. If you're able to open it
 22 and take a look.
 23 A. Okay. I can see it in Acrobat.
 24 Q. Okay. Just one second.
 25 This is a deposition notice asking you to

1 appear and testify under oath in relation to the
 2 matter captioned at the top.
 3 You understand you're here to testify about
 4 your opinions in this case?
 5 A. Yes.
 6 Q. You understand you are here to provide
 7 truthful and accurate answers in response to my
 8 questions?
 9 A. Yes.
 10 Q. Do you understand the oath just
 11 administered is the same oath used in a courtroom in
 12 front of a judge and jury?
 13 A. Yes.
 14 MR. WERBER: Did we do an oath? We did
 15 agree that we would do the oath remotely,
 16 right?
 17 (A discussion was held off the record with
 18 the reporter.)
 19 MR. WERBER: Sounds good. Everybody
 20 understands we are testifying under oath
 21 now.
 22 BY MR. WERBER:
 23 Q. Is there anything you can think of that may
 24 prevent you from hearing and understanding my
 25 questions today?

1 A. No.

2 Q. Is there anything you can think of that may
3 prevent you from testifying truthfully that you want
4 to mention?

5 A. No.

6 Q. Can you tell me where you are sitting
7 today?

8 A. I'm at 133 Barcelona Drive in Jupiter,
9 Florida, in my home office.

10 Q. We've been through this routine before. I
11 just want to confirm, is there anything in the room
12 besides the computer you are using for Zoom that is
13 powered up and -- and functional?

14 A. Well, there's -- there's an iPad behind me
15 that's updating its software. But it's not connected
16 to anything right now. Everything else is closed or
17 powered down.

18 Q. Okay. And just to confirm, under the
19 rules, we -- any kind of communication devices,
20 screens, we prefer that you keep those powered down
21 while you're under oath, no conversations with
22 counsel, no text messages, e-mails. If you do need
23 to turn something on and communicate with the outside
24 world other than something personal during a break,
25 just let me know.

1 And also if you need a break for any
2 reason, which you've done before, just let me know
3 and we'll -- we'll come to a pause, so long as
4 they're no question pending, and we can take a break.
5 I like to take a break probably every hour anyway.
6 But let me know if it's an appropriate time for you
7 and I haven't done that yet.

8 Again, we're doing this remotely. We still
9 have a court reporter, Darline. She's recording what
10 is said for a transcript. To help the court
11 reporter, please answer verbally with words, yes, no,
12 rather than nodding your head and the like.

13 Does that make sense?

14 A. Yes.

15 Q. I posted a few items to chat starting with
16 Exhibit 1001. And, actually, I'll -- I'll say a
17 couple more things.

18 I believe you are reviewing the exhibits on
19 your laptop, right, electronically?

20 A. Well, my desktop computer, but, yes.

21 Q. Okay. And are you reviewing in -- in --
22 most of the exhibits have already been premarked in
23 this case, such as Exhibit 1001.

24 Are you using your own copy, or are you
25 using the one clean that I posted to chat.

1 A. Well, I have a printed copy of my -- a
2 clean printed copy of my second declaration.

3 Q. Okay.

4 A. Which I may refer to, if that's okay with
5 everybody.

6 Q. Sure.

7 A. I'm -- I'm looking at, so far, the versions
8 that I've downloaded from the links that you've
9 provided. I do also have a full directory downloaded
10 just a few days ago from the folks at Fish of
11 everything filed in the case. So I should have, you
12 know, already on my computer authoritative copies of
13 anything that's been filed with the Patent Office in
14 this case.

15 Q. Okay. Just to confirm -- and, again, a
16 housekeeping matter that you're familiar with -- the
17 declaration that you have a paper copy of, is that
18 the only item that you have within your reach that's
19 a paper copy?

20 A. Correct.

21 Q. Okay. And that doesn't have any additional
22 notes or marks on it. It's just a clean copy of the
23 declaration?

24 A. Correct. I just printed it out about half
25 an hour ago.

1 Q. Okay. Perfect. And then for any other
2 exhibits you may open or pleadings or anything else,
3 if you don't have it in front of you, you let me.
4 I'm going to still try to post everything for chat so
5 the court reporter at least has a clean record of
6 everything that was introduced and shown to you.

7 The -- the software copies that you may see
8 on your Adobe browsing software, none of those have
9 any notes or marks or extra things on them. They are
10 the clean originals that you downloaded from or
11 received -- you know, received clean through the
12 pleadings system?

13 A. Yes, I believe so.

14 Q. Okay. So I did post to chat Exhibit 1001,
15 the '228 Patent. I posted to chat Exhibit 1041,
16 1-0-4-1, which is your second declaration. And then
17 I will also paste, in case we need to get there, your
18 first declaration, which is Exhibit 1003. Okay.

19 So those three -- three items that I
20 mentioned to you, do you have those available to you?

21 A. Yes.

22 Q. Okay. Let's start with Exhibit 1041, which
23 I'll call your second declaration.

24 Can you tell me who wrote the declaration?

25 A. I believe that this was drafted by an

1 attorney at Fish and edited and finalized by myself.

2 Q. Page 1 of Exhibit 1041, that is your
3 signature or at least an image of your signature?

4 A. Yes.

5 Q. And these are your opinions?

6 A. They are.

7 Q. Okay. I am also going to post to chat a
8 copy of the Petition because I think the Petition has
9 the -- a set of claims with the actual item,
10 lettering, you know, identifiers, A, B, C, all the
11 way through G, H identified. Let me just make sure
12 it's not in here. Yeah. I think the Petition is
13 where we see...

14 Have you reviewed the Petition before?

15 A. Not in detail, no.

16 Q. Okay. The only reason I'm bringing up the
17 Petition for the time being is -- and I just posted
18 it to chat -- I think right around PDF Page 8 we have
19 a listing of challenged claims. And they're item
20 numbers -- for example, Claim 1, it starts at, you
21 know, No. 1, Preamble, all the way through 1k.
22 Somewhere around Page 6, PDF Page 6, PDF Page 7.

23 Do you see that?

24 A. I do.

25 Q. Okay. So we may call those out.

1 Let's focus for a moment on Claim Elements
2 1g and 1i because you've rendered some opinions about
3 this claim limitation.

4 Do you see that?

5 A. Yes.

6 Q. Okay. And do you recognize Claim Elements
7 G, H, and I, reciting claim language relating to a
8 people view?

9 A. Yes.

10 Q. And you discussed these claim limitations
11 in your second declaration, Exhibit 1041, right?

12 A. Yes, I think that's true. Although, now
13 that I'm looking at the declaration, the claim --
14 specific claims aren't -- aren't mentioned, but some
15 of the words of the claims and phrases within the
16 claims are mentioned.

17 MR. WERBER: Thank you. Let me -- I'm
18 just going to mute. We can go off the
19 record for a second. I have somebody from
20 tech here to help me with my real-time feed.

21 (A discussion was held off the record.)

22 (Samuel Kim, law student in training, has
23 joined the deposition.)

24 BY MR. WERBER:

25 Q. Dr. Greenspun, you're ready to go back on

1 the record now?

2 A. Yes.

3 Q. Okay. Just to orient ourselves, you did
4 render opinions in your second declaration in
5 relation to the word "responsive to." Is that right?

6 A. Yes.

7 Q. And that's a claim term that's recited in
8 relation to the people view?

9 A. Yes, I believe so.

10 Q. Okay. Including Claim Elements G and I
11 that we just looked at before the break, correct?

12 A. Yes. It's the -- the phrase occurs in
13 Claim Element 1g.

14 Q. Okay. And then in Paragraph 4 of your
15 second declaration, you identify a position that you
16 understand patent owner has taken in this litigation
17 regarding the word "responsive to," right? Or the
18 phrase, the term.

19 A. Maybe it's my Internet, but some of what
20 you just said dropped out. Could you please repeat
21 it.

22 Q. Yeah, I will repeat.

23 In Paragraph 4 of your declaration, you
24 identify a position you understand patent owner in
25 this case has taken in relation to the term

1 "responsive to," right?

2 A. Yes.

3 Q. You also identify -- explain the patent
4 owner, you know, has cited Figure 32 of the '228
5 Patent, right?

6 A. Yes.

7 Q. Then you continue around Paragraph 5. I
8 want to direct your attention to the annotated
9 reproduction of Figure 32.

10 Do you see that?

11 A. Yes.

12 Q. And I believe if you look at the '228
13 Patent, Figure 32 has two figures inside it,
14 confusingly.

15 A. Yes, I do see that.

16 Q. Yeah. And just to confirm, this is a
17 reproduction of the -- the top of Figure 32.

18 Does that make sense?

19 A. Actually, some of that dropped out. Is
20 everybody else hearing his question clearly? I'm
21 wondering if it's just my Internet connection.

22 MR. GREEN: I'm hearing it okay, Phil.
23 So I don't know.

24 THE WITNESS: Can we take about a
25 five-minute break? I want to unplug and

1 plug back in, which sometimes causes
2 dropouts like this.

3 MR. WERBER: That's fine. Let's do
4 that. You know, and then we can -- because
5 I have my microphone turned up to maximum.
6 I might be blasting you people's ears for --
7 for all I know. And then we can run
8 smoothly. Sounds good.

9 THE WITNESS: Okay. Sorry about that.

10 (A discussion was held off the record.)

11 BY MR. WERBER:

12 Q. So back on the record.

13 I wanted to reorient ourselves. I want to
14 note that we are looking at the annotated
15 reproduction of Figure 32 immediately below Figure 5
16 of your second declaration, Exhibit 1041.

17 Do you see that?

18 A. Yes, I see the annotated Figure 32 in
19 between Paragraphs 5 and 6.

20 Q. And to the left is a thumbnail image of Jon
21 Smith, right?

22 A. Correct.

23 Q. And immediately below we see text, "Jon
24 Smith," right?

25 A. Yes. Below -- below the face, the drawing

1 of a face, we see the text "Jon Smith."

2 Q. Correct. Okay. Thank you. And you
3 referred to that as a captioned photo, right?
4 Before.

5 A. Yes.

6 Q. Okay. Sometimes I might use the word
7 "caption." I think based on the two or three other
8 times we've used depositions, I just want to -- we
9 can kind of generally understand when you add text
10 near a photo, sometimes, we -- you know, you called
11 those captions. So I may do that too from time to
12 time.

13 Does that make sense?

14 A. Yes.

15 Q. So in Paragraph 5, you make a -- you render
16 an opinion in relation to what you call requiring the
17 additional selection of a desired display order. And
18 you're referring to drop-down box 1402, right?

19 A. Correct.

20 Q. And this relates to the sequence -- as
21 disclosed in the specification, the sequence
22 corresponding to displaying the people view, right?

23 A. Sorry. I'm not sure I understand your
24 question.

25 Q. So Paragraph 5 -- in Paragraph 5, you are

1 discussing the specifications disclosures in relation
2 to Figure 32, right?

3 A. Yes.

4 Q. And you are discussing your view of what
5 the specification is disclosing in terms of when and
6 how the people view gets shown, according to the
7 specification, right?

8 A. Yes.

9 Q. And you state that "The people view that
10 gets shown to the user can require not only the
11 initial pressing of 'People'" -- and that's shown in
12 red -- "but also the additional selection of a
13 desired display order through the selection in a
14 drop-down list (1402) (shown in purple)," correct?

15 A. Yes.

16 Q. And then you continue with Paragraph 6.
17 And I'll read it for the record: "That is, the '228
18 patent itself contemplates having intermediate user
19 actions between the first event ('cause'" -- "(i.e.
20 'cause') and the second event (i.e. 'effect'). Thus,
21 the people view displays that are shown as a direct
22 result of the drop-down selection are still
23 'responsive to' and would not have occurred apart
24 from the initial pressing of 'People.'"

25 Does that make sense? Did I read that

1 correctly?

2 A. I hope it makes sense since I wrote it.

3 Q. Yeah.

4 A. But, yes, I think you did read it
5 correctly.

6 Q. And you are discussing the specification
7 disclosing a sequence of events that result in the
8 display of the people view; is that right?

9 A. The way you've phrased it doesn't
10 completely make sense to me. You know, the people
11 view is essentially a computer application that can
12 be displayed in different ways at different times,
13 depending on, you know, the sort by selection that's
14 been made and the items per page selection that's
15 been made at the bottom right. I think that's marked
16 1405.

17 So there is not just a single display of a
18 people view any more than there's, you know, a single
19 display, let's say, of Microsoft Excel, which is an
20 application. So that's what I was getting at, I
21 think, that -- that people view has variety of
22 capabilities and actual screens that the user might
23 see, depending on these additional user actions after
24 the people button is pressed.

25 Q. Just a moment.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.