

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

Patent No. 10,423,658

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SAMSUNG ELECTRONICS CO., LTD,	:
et al.,	:
Petitioner	:
	:
VS	:
	:
MEMORYWEB, LLC,	:
Patent Owner	:
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Inter Partes Review No. IPR2022-00221

Deposition of PHILIP GREENSPUN, PH.D.  
taken via videoconference before Clifford Edwards,  
Certified Shorthand Reporter and Notary Public, on  
October 21, 2022, at 9:13 a.m. EDT.

Magna Legal Services

866-624-6221

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1 A P P E A R A N C E S: (all via videoconference)  
 2  
 3 ON BEHALF OF THE PETITIONER SAMSUNG:  
 4 CHRISTOPHER O. GREEN, ESQ.  
 5 FISH & RICHARDSON  
 6 1180 Peachtree St NE  
 7 Atlanta, GA 30309  
 8 cgreen@fr.com  
 9 HYUN JIN IN, PH.D., ESQ.  
 10 FISH & RICHARDSON  
 11 1000 Maine Ave, SW  
 12 Washington, D.C. 20024  
 13 in@fr.com  
 14  
 15 ON BEHALF OF THE PATENT OWNER MEMORYWEB:  
 16 MATTHEW WERBER, ESQ.  
 17 ANGELO J. CHRISTOPHER, ESQ.  
 18 ALLISON STRONG  
 19 PETER KRUSIEWICZ  
 20 NIXON PEABODY, LLP  
 21 70 West Madison St.  
 22 Suite 3500  
 Chicago, IL 60602  
 Mwerber@nixonpeabody.com  
 JENNIFER HAYES, ESQ.  
 NIXON PEABODY  
 300 South Grand Avenue  
 Suite 4100  
 Los Angeles, CA 90071-3151  
 jenhayes@nixonpeabody.com

1 EXHIBITS  
 2 (continued)  
 3  
 4 GREENSPUN EXHIBIT PAGE  
 5  
 6 No. 2022, Transcript of Greenspun  
 7 Deposition, August 26, 2022 192  
 8  
 9 (Reporter's Note: Exhibits marked remotely and  
 10 forwarded to Magna Legal Services for production.)  
 11  
 12  
 13  
 14  
 15  
 16  
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 18  
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1 EXAMINATION  
 2  
 3 PAGE  
 4 DIRECT EXAMINATION BY MR. WERBER 6  
 5  
 6  
 7 EXHIBITS  
 8  
 9 GREENSPUN EXHIBIT PAGE  
 10 No. 1001, '658 Patent 13  
 11 No. 1003, Dr. Philip Greenspun Declaration 13  
 12 No. 2018, Excerpt of Book Entitled  
 13 Designing Interfaces 21  
 14 No. 1005, Okamura Reference 33  
 15 No. 2002, Fujiwara Reference 50  
 16 No. 2019, Takakura Reference 50  
 17 No. 2020, Four Variations of the Top of  
 18 Figure 32 of the '658 Patent 97  
 19 No. 1041, Yee Reference 161  
 20 No. 1006, Belitz Reference 181  
 21 No. 2021, '228 Patent 192  
 22

1 COURT REPORTER: The attorneys  
 2 participating in this deposition  
 3 acknowledge that I am not physically  
 4 present in the deposition room and that I  
 5 will be reporting this deposition  
 6 remotely. They further acknowledge that,  
 7 in lieu of an oath administered in person,  
 8 the witness will verbally declare their  
 9 testimony in this matter is under penalty  
 10 of perjury.  
 11 The parties and their counsel consent  
 12 to this arrangement and waive any  
 13 objections to this manner of reporting.  
 14 Please indicate your agreement by  
 15 stating your name and your agreement on  
 16 the record.  
 17 MR. WERBER: Matt Werber on behalf of  
 18 MemoryWeb. Agreed.  
 19 MR. GREEN: Christopher Green on  
 20 behalf of Samsung. Agreed.  
 21  
 22

1 PHILIP GITTES GREENSPUN  
2 residing at 133 Barcelona Drive, Jupiter, FL 33458,  
3 having first been duly sworn, deposed and testified  
4 as follows.

5  
6 COURT REPORTER: Any stipulations?  
7 Okay. All set.

8  
9 DIRECT EXAMINATION

10  
11 BY MR. WERBER:

12 Q Good morning, Dr. Greenspun. As we were  
13 getting started, getting our items arranged, I  
14 posted to chat a deposition notice.

15 Are you able to see?

16 A Yes. I downloaded it.

17 Q Very good.

18 And for the record, no exhibit number  
19 for the deposition notice. It's just a -- it's just  
20 a pleading. This is a deposition notice asking you  
21 to appear and testify under oath in relation to the  
22 matter captioned at the top.

1 I believe you mentioned you have a  
2 home in Jupiter, Florida. Is that where you are?

3 A Yes.

4 Q Is there anything in the room with you  
5 besides the computer you are using for Zoom with an  
6 on/off switch?

7 A Well, there's an aquarium.

8 Q Don't turn off your aquarium.

9 A And there's also a Sonos music box that's  
10 not playing anything right now.

11 And I do have my phone but I'm  
12 expecting a delivery of a shuffleboard table and the  
13 guy is driving from Tampa, so I was hoping to leave  
14 that on in case he texts me. I can promise you that  
15 I won't get any texts from Chris or any other bad  
16 people.

17 Q Chris is not a bad person.

18 But yes, so if you need the text  
19 because you have a delivery coming, that's fine.

20 Let's just have an understanding that  
21 you are not going to be texting with counsel or  
22 others regarding the case while you are under oath

1 Do you understand you are here to  
2 testify about the opinions you provided for this  
3 matter?

4 A Yes.

5 Q You understand you are here to provide  
6 truthful and accurate answers in response to my  
7 questions?

8 A Yes.

9 Q Is there anything that you can think of  
10 today that may prevent you from hearing and  
11 understanding my questions?

12 A Well, I've got a cold, but I've taken  
13 ibuprofen and Sudafed so I hope that will defog my  
14 brain.

15 Q Hopefully. Hopefully you'll feel better  
16 as the day -- as the day progresses.

17 Is there anything you can think of  
18 that may prevent you from testifying truthfully  
19 today?

20 A No.

21 Q Can you tell me where you are sitting  
22 today?

1 today during this deposition.

2 Is that understood?

3 A Yes.

4 Q Is there anything that is powered on on  
5 your computer besides -- besides Zoom in terms of  
6 applications running?

7 A Well, let's see. I have -- I have Adobe  
8 Acrobat running right now with a -- my own version  
9 of my declaration, I guess. And the Notice of  
10 Deposition that you just sent me. Those are the two  
11 Acrobat windows.

12 And let's see. I've closed -- I'm  
13 closing everything else. I have a Chrome browser  
14 open but I'll close that.

15 Q That makes sense. So just to confirm, I  
16 will be posting exhibits to chat. You are free to  
17 take a look using your Adobe software.

18 If you have a copy of your  
19 declaration, I just want to confirm -- and I believe  
20 we've been through this already -- that there are no  
21 additional notes or marks. It's the version that  
22 was served on us and that everybody has seen posted

1 to the PTAB proceeding; is that right?  
 2 A Yes. Well, I also have a printed version  
 3 which, you know, counsel supplied to me and informed  
 4 me that it was an as-filed version of my  
 5 declaration.  
 6 Q Very good. So it's a clean version of  
 7 your declaration in paper as well?  
 8 A (The witness nods head.)  
 9 Q Is there anything else in the room  
 10 relating to this case that you have beyond the list  
 11 of things that we've talked about?  
 12 A No.  
 13 Q We've done this before and I know in other  
 14 proceedings you've done this a few times, but I'll  
 15 just repeat a few instructions so we are clear on  
 16 the rules.  
 17 I'll do my best to answer -- ask  
 18 clear and direct questions you are able to  
 19 understand. If you do not understand a question or  
 20 would like clarification, please, speak up and I  
 21 will rephrase.  
 22 Makes sense?

1 A Yes, I did.  
 2 Q What did you do?  
 3 A I reread my declaration and I had two Zoom  
 4 meetings with counsel.  
 5 Q Let's talk about the first of the two Zoom  
 6 meetings. When was that and who was present?  
 7 A The first meeting, I believe, was on  
 8 Monday of this week, and H.J., who is here on the  
 9 call, was present from Fish. And at least for part  
 10 of that, a younger Fish employee named Sam.  
 11 And then the other meeting was  
 12 yesterday. And H.J. and Chris were both present.  
 13 Q Any others -- well, withdraw.  
 14 Just to confirm, were -- either at  
 15 the first meeting or the second meeting, were there  
 16 any others present during these Zoom meetings that  
 17 you haven't mentioned?  
 18 A No.  
 19 Q And starting with the first meeting, can  
 20 you tell us how long approximately the first meeting  
 21 took?  
 22 And tell me the same for the second

1 A Yes.  
 2 Q We are doing this remotely through video  
 3 conference but we still have a court reporter;  
 4 that's Cliff.  
 5 Please respond with verbal answers  
 6 and statements rather than gestures so he can type  
 7 it into the written transcript; okay?  
 8 A Okay.  
 9 Q A few minutes ago Chris Green introduced  
 10 himself as your attorney for the deposition.  
 11 Mr. Green may choose to object to my questions --  
 12 some of my questions. If he does, please, allow him  
 13 time to finish his brief objection and then you can  
 14 proceed with answering afterwards.  
 15 An objection does not mean you should  
 16 not answer, that is unless Mr. Green specifically  
 17 tells you not to answer for reasons of privilege,  
 18 which I'm hoping we won't need to get into today.  
 19 Does that make sense?  
 20 A Yes.  
 21 Q Did you do anything to prepare for today's  
 22 deposition?

1 meeting?  
 2 A I think each one was -- I think it's about  
 3 one and a half hours.  
 4 Q First, let's walk through a little bit  
 5 more housekeeping. I just posted to chat  
 6 Exhibit 1001.  
 7 (Whereupon, Greenspun Exhibit  
 8 No. 1001, '658 Patent, was  
 9 marked for identification.)  
 10 BY MR. WERBER:  
 11 Q Let me know when you are able to see.  
 12 A Yes, I can see it.  
 13 Q Do you recognize Exhibit -- and this was  
 14 premarked. Do you recognize Exhibit 1001 as the  
 15 '658 patent that you have opined on?  
 16 A Yes, I do.  
 17 Q I also attached Exhibit 1003.  
 18 (Whereupon, Greenspun Exhibit  
 19 No. 1003, Dr. Philip Greenspun  
 20 Declaration, was marked for  
 21 identification.)  
 22

1 BY MR. WERBER:

2 Q I believe you also have a copy anyway if I  
3 didn't post it to chat.

4 But do you recognize the document  
5 that has been marked as Exhibit 1003 as your  
6 declaration?

7 A Yes, I do.

8 Q Let's talk about the declaration for a  
9 moment.

10 Can you share who wrote the  
11 declaration?

12 A I did.

13 Q Did counsel assist with your preparation  
14 of the declaration?

15 And you can answer without revealing  
16 any, you know, specific conversations, you know,  
17 in -- between you and counsel.

18 A Yes.

19 Q In what ways did counsel assist?

20 A Well, counsel certainly wrote the entire  
21 legal standards section here. And that starts at  
22 page 13, I believe, and goes up to page 20.

1 A Yes.

2 Q And you testified in an IPR matter in  
3 relation to MemoryWeb's '228 patent back in August  
4 of this year.

5 Do you remember that?

6 A Yes.

7 Q And one of the topics we covered related  
8 to what I believe you have stated in your current  
9 declaration and you called it the same thing in the  
10 prior declaration, I believe you called it your  
11 first textbook.

12 Do you remember that?

13 A No.

14 Q Okay. Just one second.

15 Okay. Let's turn to paragraph 15 of  
16 your -- of Exhibit 1003.

17 A Okay.

18 Q Yeah, and I'll clarify that question. I  
19 want to ask you about your first textbook on  
20 internet application development.

21 A Okay.

22 Q Okay. In relation -- in relation to this

1 Counsel put in the claim language  
2 into the headings. And then counsel worked on some  
3 of the graphics, the figure annotations that I can  
4 see here.

5 So I would say those are the primary  
6 ways that counsel assisted.

7 Q Can you approximate how many hours, as an  
8 approximation, it took to prepare the declaration  
9 attached as Exhibit 1003?

10 A I don't remember. But probably somewhere  
11 in the 50-hour range.

12 Q I can't remember if it's in your  
13 declaration but if -- just in case it's not, can you  
14 share your hourly rate?

15 A I think for this project it was at 475 per  
16 hour.

17 Q Just one moment. Okay.

18 You submitted a declaration and  
19 testified at a deposition -- withdraw.

20 You have submitted declarations and  
21 testified at least once in -- related to another  
22 MemoryWeb Samsung IPR matter; is that right?

1 textbook, and it's also typed into your declaration  
2 here in a footnote, there's a quote from you saying  
3 that, "Users shouldn't have to click to see ads."

4 Do you recall that?

5 A Yes.

6 Q And the same quote appears in your  
7 declaration at the bottom in footnote one, says,  
8 "One-line summaries of the newest ads should be  
9 displayed on the very first page of the system.  
10 Users shouldn't have to click to see ads."

11 Did I read that correctly?

12 A Yes.

13 Q You've stated that it is -- in this --  
14 this occurred at your prior deposition that as a  
15 design choice, systems should have fewer clicks  
16 rather than more clicks; is that right?

17 A Well, it depends who's making the design  
18 choice. You know, that's my personal choice. The  
19 people who like to put ads into web experiences  
20 don't necessarily agree with me.

21 Q And I'll ask just another question related  
22 to that in just one second.

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