

1
 2 UNITED STATES PATENT AND TRADEMARK OFFICE
 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
 4
 5 APPLE INC., SAMSUNG)
 6 ELECTRONICS CO., LTD., and)
 7 SAMSUNG ELECTRONICS AMERICA,)
 8 INC.,)
 9 Petitioners,)
 10 v.) No. IPR2022-00807
 11 SMART MOBILE TECHNOLOGIES) Patent 9,756,168
 12 LLC,)
 13 Patent Owner.)

16 DEPOSITION OF MICHAEL KOTZIN, Ph.D.

17 February 7, 2023

18 Tuesday

19 9:12 A.M.

21 THE VIDEOCONFERENCE DEPOSITION OF

22 MICHAEL KOTZIN, Ph.D., was taken at Buffalo Grove,
 23 Illinois, before Jan R. Duiven, CSR, FCRR, RPR,
 24 CRC, Certified Shorthand Reporter in and for the
 25 State of California.

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20 Reported by:

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1 MICHAEL KOTZIN, Ph.D.,

2 having been first duly sworn to testify the truth,
 3 the whole truth, and nothing but the truth, was
 4 examined and testified as follows:

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11 EXAMINATION

12 BY MS. WOO:

13 Q. Good morning, Dr. Kotzin. Please
 14 state your name for the record.

15 A. My name is Michael Kotzin.

16 Q. Is there anything that would prevent
 17 you from giving truthful and accurate testimony
 18 today?

19 A. No.

20 Q. Do you understand that you're
 21 testifying under oath?

22 A. Yes.

23 Q. So because the questions and answers

1 going to be recorded is verbal communications, so
2 you'll have to give audible responses instead of,
3 for example, nodding your head. Do you understand
4 that?

5 **A.** Yes.

6 **Q.** You're not permitted to speak with
7 your attorney during the course of my examination
8 on any issue other than the issues relating to
9 privilege. Do you understand that?

10 **A.** Yes.

11 **Q.** So we'll definitely take breaks over
12 the course of the day, but it's my expectation
13 that you and your attorney will not be discussing
14 the substance of the testimony unless an issue of
15 privilege arises.

16 If you need a break, please let me
17 know, and I'll do my best to accommodate it at the
18 earliest opportunity. Do you understand that?

19 **A.** Yes.

20 **Q.** So for objections, your counsel will
21 make two-word short objections, such as,
22 "Objection. Scope." Once he's made the
23 objection, you should continue to answer unless
24 your counsel specifically directs you not to
25 testify based on privilege. Your counsel will not

1 be able to make long and leading objections. Do
2 you understand that?

3 **A.** Yes.

4 **Q.** Do you have clean copies of the
5 documents?

6 **A.** Yes, I have the paper copy of my
7 declaration. And set up on the computer, I have
8 clean copies of the declaration, as well as other
9 documents that were referenced in the case,
10 exhibits.

11 **Q.** Okay. Thank you. Have you ever been
12 employed by Apple before?

13 **A.** No. Not -- not for -- not in
14 employment. I have been a -- served as an expert
15 for them.

16 **Q.** Have you ever been employed by Samsung
17 before?

18 **A.** No.

19 **Q.** Have you ever been deposed before?

20 **A.** Yes.

21 **Q.** How many times?

22 **A.** Maybe around ten times.

23 **Q.** And how many times before on IPR?

1 **Q.** Have you ever opined that a patent is
2 valid?

3 **A.** Yes.

4 **Q.** What did you do to prepare for this
5 deposition?

6 **A.** I've reviewed many of the documents
7 that are related to the case, especially the ones
8 that help me formulate my opinions that I
9 expressed in my declaration.

10 **Q.** How many hours did you spend preparing
11 for this deposition?

12 **A.** I can't tell you exactly, but maybe,
13 approximately, 20 hours.

14 **Q.** Okay. Let's open up Baker. That's
15 Exhibit 1006. Let me know when you have that
16 ready.

17 **A.** I have that open.

18 (Deposition Exhibit No. 1006
19 marked for identification.)

20 BY MS. WOO:

21 **Q.** To your understanding, what is Baker
22 trying to accomplish?

23 **MR. FOWLES:** Objection. Form.

24 **A.** I provide a very short summary of
25 Baker in my declaration. It's -- Baker is

1 directed to a framework for supporting sharable
2 services in small footprint devices. That would
3 include things such as handheld devices, wearable
4 devices, smartphones, those sorts of things.

5 (Reporter inquiry.)

6 **THE WITNESS:** I think I said
7 wearable devices.

8 BY MS. WOO:

9 **Q.** To your understanding, what makes a
10 device a small footprint device?

11 **A.** I believe that these devices, at the
12 time that Baker was written, would be devices that
13 have limited amounts of processing capability and
14 memory.

15 **Q.** So it would be fair to say that a
16 device is a small footprint device when it has
17 limited processing capability and memory?

18 **A.** I would say that Baker was directed to
19 being able to provide access to service providers
20 on devices which are limited in the amount of
21 memory and processing that they provide.

22 It's a qualitative understanding of
23 how much memory is a small amount of memory and

1 was an understanding that over time, devices would
2 be getting more and more capable over time. But
3 it's a way of managing applications and services
4 on devices which have limited capability.

5 **Q.** So my question was what makes a device
6 a small footprint device. I'm not sure you
7 answered the question, Dr. Kotzin. So let me ask
8 again. To your understanding, what makes a device
9 a small footprint device?

10 **MR. FOWLES:** Objection. Form.

11 **A.** Baker addresses small footprint
12 devices in the abstract that contain frame -- the
13 containment framework is sufficiently compact and
14 efficient to run on a wide variety of
15 resource-constrained, small footprint devices,
16 such as personal data assistants, smart cellular
17 phones, global positioning system receivers. So
18 when they talk about small footprint, I believe
19 that they're talking about a resource constraint.

20 It says at the time this patent was
21 written, they said, "It is becoming more common
22 today to execute multiple services and
23 applications together in a single small footprint
24 device; however, since memory processing power and
25 other resources are typically very limited in

1 small footprint devices, a specialized lightweight
2 software framework is necessary to achieve the
3 desired integration of services and applications.

4 And that is what Baker was about, was
5 providing a lightweight software framework to
6 allow those devices the ability to have access and
7 perform services and -- and applications.

8 **BY MS. WOO:**

9 **Q.** You said Baker is about allowing these
10 small footprint devices to have access and perform
11 services and applications. What did you mean by
12 that last part, "have access, perform services,
13 and have applications"?

14 **A.** So -- so small devices, in order to
15 provide functionality to the user, may have -- may
16 require providing services and capability to a
17 subscriber. For example, access to a printer,
18 access to an email service, controlling various
19 devices. There are many things that a device --
20 that one may desire a device to be capable of
21 doing. Having all of those capabilities present
22 in a single device would possibly -- would not be
23 possible in a small footprint device due to

1 for those small footprint devices to obtain the
2 necessary -- to obtain the necessary information
3 to enable those applications and services as
4 needed on the device.

5 (Reporter inquiry.)

6 **BY MS. WOO:**

7 **Q.** So you said that a small footprint
8 device might want many types of services. Can you
9 give me some examples of services that a small
10 footprint or resource-constrained device would not
11 have?

12 **A.** I don't understand the question.

13 **Q.** So I believe you said that small
14 footprint devices are resource-constrained.
15 Therefore, the devices would want many types of
16 services. Is that a fair characterization of what
17 you said?

18 **A.** I'm saying that a user may have a
19 small footprint device and may want to perform
20 some kind of specific application or service on
21 his device.

22 So, for example, a user may want to
23 print some information that he has on his device.
24 There are many kinds of printers that may be on
25 that user's network and all of those printers may

1 have unique methodologies in which they are
2 controlled. For instance, a printer might use the
3 language postscript in order to command and
4 instruct the printer on what should be printed. A
5 small footprint device may not have the memory to
6 have all of the different printers/printer
7 applications available on it.

8 So in this way, it would be possible
9 for the device to obtain the necessary software in
10 order to allow it to print on a particular device,
11 on a particular printer device.

12 **Q.** So would it be fair to say that
13 because the device has a small footprint or is
14 resource-constrained, it would not be able to use
15 the printer service without Baker's invention?

16 **A.** I'm saying that Baker -- or Baker is
17 saying that it supports a methodology for devices
18 that don't -- that are small footprint to be able
19 to provide those applications and services.

20 **Q.** So to your understanding, when Baker
21 refers to "services," what does Baker mean?

22 **A.** Well, there's many different kinds of
23 services that a person using a small footprint

1 Q. Would a small footprint,
2 resource-constrained device not be able to support
3 email by itself?

4 A. I don't understand that question.

5 Q. So I believe you're testifying that
6 Baker enables a resource-constrained small
7 footprint device to use an email service. I want
8 to clarify whether that resource-constrained,
9 small footprint device without Baker would have
10 email capabilities.

11 A. It may or it may not. Some devices
12 that might be even considered small footprint
13 might have an integrated email service available
14 in it, but another one may not. And, furthermore,
15 another one may want or need that email service to
16 be updated as evolution in email technology
17 evolves.

18 So a given device may or may not have
19 email built into the device. The Baker supports
20 is targeted more so, I think, to supporting
21 devices that may not have that capability inherent
22 in the device. For example, it may be where email
23 is provided as a subscription service.

24 Q. So would it be fair to say that some
25 devices which are small footprint and

1 resource-constrained do not have email
2 capabilities, perhaps because they are small
3 footprint and resource-constrained, and Baker
4 provides a methodology of allowing that device to
5 utilize an email service? Would that be fair to
6 say?

7 A. That was a very long question, and I
8 think I lost track of what the beginning of the
9 question was. Could you rephrase your question?

10 Q. So would it be fair to say that Baker
11 is about small footprint, resource-constrained
12 devices, and because these devices are
13 resource-constrained, some of them do not have the
14 capability of providing email services? Is that
15 fair to say?

16 MR. FOWLES: Objection. Form.

17 A. Yeah. Email is but one possibility
18 that's specifically talked about in Baker. Baker
19 addresses and, I think, teaches a methodology for
20 providing any kind of service or application to a
21 small framework device.

22 BY MS. WOO:

23 Q. Okay.

1 A. I think I'm -- I'm done.

2 Q. So would it be fair to say that Baker
3 is about small footprint, resource-constrained
4 devices that, because of the restraint in
5 resources, lacks some services or applications?
6 Would that be fair to say?

7 MR. FOWLES: Objection. Form.

8 A. I would say -- I'm sorry.

9 THE REPORTER: I got it.

10 A. I would say that Baker supports
11 providing applications and services on small
12 footprint devices.

13 BY MS. WOO:

14 Q. Okay. So would it be fair to say
15 Baker wants to provide these small footprint,
16 resource-constrained devices with services and
17 applications that the device otherwise would not
18 have?

19 A. Well, it may have. It may have a
20 particular service or an app- -- or an
21 application, but Baker would provide access to the
22 device of other services and applications, which
23 may be of the same kind.

24 For example, going back to email,
25 there may be some email capability in a small

1 framework device, but perhaps you -- a subscriber
2 wants access to a different type of email server
3 that's not supported by his device. Baker would
4 support the ability of providing that capability
5 on the device -- that additional extended
6 capability on the device.

7 Q. Okay. So would it be fair to say
8 Baker wants the small footprint,
9 resource-constrained devices to have access to
10 services and applications that the device may not
11 have or are more extended versions of the services
12 or applications that the resource-constrained
13 device already has? Would that be fair to say?

14 MR. FOWLES: Objection. Form.

15 A. Again, Baker supports a framework --
16 or Baker describes a framework for providing to
17 small footprint devices applications and services
18 that may be desired to have on that device, but
19 Baker doesn't want anything. Baker supports
20 providing services and applications to
21 resource-constrained devices.

22 BY MS. WOO:

23 Q. Okay. Can you get Baker's Figure 3 up

1 Q. To your understanding, what does
2 Figure 3 depict?

3 A. So I think Figure 3 -- Figure 3 is a
4 diagram which suggests the intercommunication
5 amongst the primary parts of a -- of the system
6 described in Baker.

7 MR. FOWLES: Can I just interrupt?
8 Dr. Kotzin, it looks like you're looking at the
9 PDF sideways. I'll just note that's also on
10 page 23 of your declaration --

11 THE WITNESS: Okay.

12 MR. FOWLES: -- in landscape format
13 if that --

14 THE WITNESS: I can also -- I can
15 also rotate this, but that's what happens when you
16 have virgin copies.

17 MR. LOWENSTEIN: Stop coaching,
18 please.

19 THE WITNESS: Excuse me?

20 MR. LOWENSTEIN: I was -- this is
21 Mr. Lowenstein. I'm speaking to Mr. Fowles.
22 Let's not have coaching. Please limit your
23 objections to, "Objection, form," and, "Objection,
24 scope." Thank you.

25 MR. FOWLES: Okay.

1 BY MS. WOO:

2 Q. So you used the word "interconnection"
3 between the parts of Baker. What did you mean by
4 "interconnection"?

5 A. Communications. Mind you, this is, I
6 think, an abstract diagram which is meant to show
7 communication paths amongst the various elements
8 that are described in Baker.

9 Q. What are communication paths?

10 A. Just flows of information flows.

11 (Reporter inquiry.)

12 THE WITNESS: F-L-O-W-S.

13 (Reporter inquiry.)

14 THE WITNESS: Paths, P-A-T-H-S.

15 BY MS. WOO:

16 Q. Let's look at Column 7 of Baker, and
17 please let me know when you're there.

18 A. Okay. I'm there.

19 Q. So you'll see around line 23, it says,
20 "Figure 3 illustrates an exemplary network in
21 which a small footprint device running
22 application/services in the containment framework
23 is connected to a local service-based network."

1 based -- a local server-based network, I believe
2 they're talking about providing applications and
3 services that are -- that are contained on a
4 particular service -- on a particular server
5 that -- I believe the -- yeah -- these are on,
6 like, a particular server.

7 That's not to say that this can't be
8 extended, but the particular server would contain
9 the -- have the printer attached, and a printer
10 service, and an internet television attached, and
11 service to control the television, and those would
12 be grouped together in that local service
13 configuration. And they would communicate to the
14 look-up service information about that local
15 server -- applications and services on that local
16 server, and then that would be -- the local
17 look-up service would be accessed to the
18 containment framework.

19 Q. You used the term "local" several
20 times. What does "local" mean?

21 A. I think, in this particular case --
22 well, give me a moment. In this particular
23 context, I believe that Baker's described
24 embodiment provides for services and applications
25 which are on a local machine or device.

1 Q. So I don't think you --

2 A. I think it teaches -- it teaches in
3 its embodiment -- it teaches in its embodiment --
4 I think it teaches more general capability. The
5 specific embodiment that it has shows services,
6 including modules or applications, within a local
7 machine or device.

8 Q. So you used that word "local" again.
9 What does "local" mean?

10 A. A local within a machine or device.
11 So on a particular server or on a particular, you
12 know, with -- contained in a computer, which is
13 acting as a server.

14 Q. So if "local" means that it is
15 contained within a device, is every server a local
16 server?

17 A. No. Again, I think this is just one
18 embodiment that it is providing or that it's
19 utilizing to describe its principles.

20 Q. What makes a local network local?

21 A. I think what makes these local is in
22 this particular embodiment, it groups them
23 together. It groups a subset of available

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