

DEPOSITION OF
MICHAEL IAN SHAMOS, PH.D.
APPLE INC. V. MOZIDO CORFIRE-KOREA
TAKEN ON
JUNE 16, 2023



PHONE 855.525.3860 | 323.938.8750

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 4 APPLE INC.,) 5 Petitioner,) 6 vs.) IPR2022-01149 7 MOZIDO CORFIRE-KOREA, LTD.,) Patent No. 10,223,692 8 Patent Owner.) CM#52959.95R692 9 10 11 12 13 14 DEPOSITION OF 15 MICHAEL IAN SHAMOS, PH.D. 16 VIA ZOOM VIDEOCONFERENCE 17 JUNE 16, 2023 18 19 20 21 22 23 24 Reported by: 25 COLLEEN M. PETERMAN CSR 7882 No. 23-125300</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (All Participants Appeared Remotely): 2 3 For Petitioner: 4 HAYNES AND BOONE, LLP 5 BY JONATHAN R. BOWSER 6 800 17th Street NW, Suite 500 7 Washington, DC 20006 8 202.654.4500 9 jonathan.bowser@haynesboone.com 10 HAYNES AND BOONE, LLP 11 BY BROOKE COHEN 12 6000 Headquarters Drive, Suite 200 13 Plano, Texas 75024 14 972.739.6900 15 brooke.cohen@haynesboone.com 16 17 For Patent Owner: 18 VOLPE KOENIG 19 BY BRANDON R. THEISS 20 30 South 17th Street, Suite 1800 21 Philadelphia, Pennsylvania 19103 22 215.568.6400 23 btheiss@vklaw.com 24 25 KASOWITZ BENSON TORRES LLP BY CHEN "ALEXANDRA" JIA 333 Twin Dolphin Drive, Suite 200 Redwood Shores, California 94065 650.453.5170 650.453.5171 Fax cjia@kasowitz.com</p>
<p style="text-align: center;">Page 2</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 4 APPLE INC.,) 5 Petitioner,) 6 vs.) IPR2022-01149 7 MOZIDO CORFIRE-KOREA, LTD.,) Patent No. 10,223,692 8 Patent Owner.) CM#52959.95R692 9 10 11 12 13 14 DEPOSITION OF MICHAEL IAN SHAMOS, 15 PH.D., a witness herein, taken on 16 behalf of the Petitioner via Zoom 17 videoconference at 7:03 a.m. on 18 Friday, June 16, 2023, before 19 Colleen M. Peterman, CSR 7882. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 WITNESS: MICHAEL IAN SHAMOS, PH.D. 3 EXAMINATION BY PAGE 4 MR. BOWSER 5 5 MR. THEISS 77 6 7 8 E X H I B I T S 9 PETITIONER'S DESCRIPTION PAGE 10 (No Exhibits Marked) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 VIA ZOOM VIDEOCONFERENCE
2 JUNE 16, 2023
3
4 MICHAEL IAN SHAMOS, PH.D.,
5 HAVING BEEN DULY ADMINISTERED AN
6 OATH BY THE REPORTER, WAS EXAMINED
7 AND TESTIFIED AS FOLLOWS:
8
9 EXAMINATION
10
11 BY MR. BOWSER:
12 Q. Good morning, Dr. Shamos.
13 A. Good morning.
14 Q. My name is Jonathan Bowser, and I am counsel
15 for the petitioner. I will be asking you questions
16 today about your declaration, which is Exhibit 2004, in
17 IPR2022-01149.
18 Can you please state your full name for the
19 record.
20 A. Michael Ian, I-A-N, Shamos, S-H-A-M-O-S.
21 Q. Okay. Thank you. Before we get started, I
22 want to just cover some housekeeping items. -----
23 So if I refer to, quote, "this IPR
24 proceeding," will you understand that I'm referring to
25 IPR2022-01149?

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1 A. Yes.
2 Q. Okay. And this IPR proceeding involves
3 U.S. Patent No. 10,223,692, which is Exhibit 1001.
4 If I refer to the "692 patent," will you
5 understand that I'm referring to U.S. Patent
6 No. 10,223,692?
7 A. Yes.
8 Q. Is there any reason why you would not be able
9 to answer my questions today fully, accurately, and
10 honestly?
11 A. No.
12 Q. Do you understand that during today's
13 deposition, you are under oath and providing sworn
14 testimony just as if you were in court?
15 A. Yes.
16 Q. If you don't understand any of my questions,
17 please let me know. If you answer my question, I will
18 assume that you understood my question.
19 Is that okay?
20 A. Yes.
21 Q. Your counsel may object to questions
22 throughout this deposition. Unless your counsel
23 instructs you not to answer a specific question, you are
24 required to answer my question.
25 Is that understood?

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1 A. Yes.
2 Q. The court reporter will prepare a transcript
3 of this deposition today. To ensure that we obtain a
4 clear record of this deposition, please answer each
5 question with a full verbal response, such as "yes" or
6 "no." Please do not answer with verbal gesticulations
7 like "uh-huh" or head movements.
8 Is that understood?
9 A. Yes.
10 Q. And, also, to ensure a clear record, I ask
11 that you let me finish my question before you provide an
12 answer, and I will do the same. The court reporter may
13 have difficulties accurately recording who is speaking
14 when there is cross talk.
15 Is that understood?
16 A. Yes.
17 Q. Okay. Thank you. During the portion of this
18 deposition where I'm asking you questions, you are not
19 permitted to speak with your counsel about the substance
20 of your testimony, including your declaration and
21 deposition.
22----- Is that understood?
23 A. Yes.
24 Q. Okay. We'll plan to take a break after each
25 hour-long period of questioning. If you need a break

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1 before then, please let me know. But before we can take
2 a break, I ask that you please answer my question so
3 that we can ensure an accurate record.
4----- Is that okay?
5 A. Yes.
6 Q. Okay. For timing purposes, what time zone are
7 you in today?
8 A. Eastern.
9 Q. Where are you located today?
10 A. Pittsburgh, Pennsylvania.
11 Q. And are you alone in -- it looks like you're
12 in an office.
13 Are you alone in that office?
14 A. Yes.
15 Q. So do you have a phone with you?
16 A. I possess one. I have a cell phone here,
17 that's turned off, and I have a landline phone next to
18 me.
19 Q. So absent an emergency, do you agree not to
20 use your phone during the questioning portion of today
21 for any reason?
22 A. Pretty much. I mean I'm not going to --
23 certainly not going to use my cell phone. It's
24 conceivable that my other phone may ring. It may be my
25 wife. I may have to answer it. I don't know.

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1 Q. Do you have any chat windows open where you
2 are communicating with counsel of patent owner?
3 A. No.
4 Q. Throughout this deposition, I will be sharing
5 exhibits and other documents with you in the chat
6 window. To ensure a clear record, I will indicate what
7 exhibit or document I am uploading, and I ask that you
8 please confirm that you downloaded that exhibit or
9 document.
10 Okay?
11 A. Is that necessary? I have all of the
12 documents that have been filed in the IPR already. So
13 this would mean making duplicate copies of them.
14 Q. Okay. So you have -- are those electronic
15 copies or paper copies?
16 A. Electronic. I got them from the PTAB website.
17 Q. Okay. And do those documents that you have
18 have any notes on them?
19 A. No. They're from the PTAB website.
20 Q. But you didn't add any notes to the documents.
21 A. No. They're all PDFs.
22 Q. So you can use those documents, and I won't
23 upload any of the other documents.
24 Is that all right?
25 A. Perfectly.

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1 Q. Okay. So as I mentioned, I will be asking you
2 questions about your declaration. This is Exhibit 2004.
3 If I refer to "your declaration," will you
4 understand that I'm referring to Exhibit 2004?
5 A. Yes.
6 Q. Okay. Can you please open Exhibit 2004, your
7 declaration.
8 A. I have it open.
9 Q. Okay. I will ordinarily refer to paragraph
10 numbers in your declaration.
11 A. It's more convenient that way because there
12 are far more paragraph numbers than there are page
13 numbers.
14 Q. Yes. I agree. But this time, there's one
15 exception. I'm going to ask you to turn to numbered
16 page 59, which is PDF page 63.
17 A. Yes.
18 Q. Okay. Let me know when you're there.
19 A. I'm there.
20 Q. Is that your signature?
21 A. Yes.
22 Q. And you signed your declaration on March 30,
23 2023; correct?
24 A. Yes.
25 Q. Did you prepare the first draft of your

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1 declaration?
2 A. Yes.
3 Q. Did you prepare -- strike that.
4 When you prepared the first draft of your
5 declaration, did it include all the sections that are
6 currently contained in your declaration?
7 A. My recollection is yes. So my target when I
8 do a first draft is that it's 95 percent complete. So I
9 don't leave missing sections. So my recollection is all
10 the sections were there.
11 Q. So I will be asking you about other exhibits
12 and documents in this IPR proceeding. I'd ask that you
13 please keep Exhibit 1004 open at all times.
14 Is that okay?
15 A. 2004?
16 Q. I'm sorry. What did I say?
17 A. I thought you said 1004.
18 Q. I apologize. Yes. 2004.
19 A. Yes.
20 Q. Can you please turn to paragraph 1.
21 A. I'm there.
22 Q. Okay. In paragraph 1, you indicate that you
23 have been retained as an expert witness by patent owner
24 Mozido CorFire-Korea, in parentheses, Mozido or patent
25 owner; is that right?

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1 A. Yes.
2 Q. And if I refer to "patent owner" during this
3 deposition, will you understand that I'm referring to
4 Mozido CorFire-Korea?
5 A. Yes.
6 Q. Were you retained by counsel for patent owner?
7 A. Yes.
8 Q. So you were not retained directly by the
9 patent owner; is that right?
10 A. That's right.
11 Q. Okay. Have you spoken with any employee or
12 representative of the patent owner other than counsel in
13 this IPR proceeding?
14 A. No.
15 Q. Did you have any relationship with the patent
16 owner prior to being retained by counsel in this IPR
17 proceeding?
18 A. No. I had never heard of them.
19 Q. And in paragraph 2, you indicate that you
20 previously submitted a declaration in this IPR
21 proceeding that you referred to as the, quote, initial
22 declaration, which is Exhibit 2001; correct?
23 A. Yes.
24 Q. Okay. When you say that you incorporate the
25 initial declaration by reference, does that mean that

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1 your current declaration, Exhibit 2004, adopts all the
2 positions you took in your prior declaration?
3 A. Yes, unless I take a position in this
4 declaration that's inconsistent with the previous
5 position.
6 Q. In your current declaration, which I'll just
7 call your declaration, have you indicated at all that
8 you have taken any position inconsistent with something
9 in your initial declaration?
10 A. I think so. So, for example, in claim
11 construction, I propose a term that was not discussed in
12 the previous -- in the previous declaration because it
13 contained an error that I didn't even spot until I did
14 this declaration.
15 Q. Okay. Thank you. I won't be asking you about
16 2001 today, but I just want to make clear that when I
17 refer to your declaration, I'm referring to Exhibit
18 2004, and not Exhibit 2001.
19 Is that understood?
20 A. Yes. We've agreed to that already.
21 Q. Okay. What is your current occupation?
22 A. I'm a faculty member at Carnegie Mellon
23 University in Pittsburgh.
24 Q. Can you turn to paragraph 14, please.
25 A. I'm there.

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1 Q. In paragraph 14 you indicate that you are
2 licensed to practice law in Pennsylvania and that you
3 are admitted to the patent bar; correct?
4 A. Yes.
5 Q. Are you offering testimony today as a legal
6 expert?
7 A. No. I think if you read the next two
8 sentences of paragraph 14, it explains that.
9 Q. Okay. So you're only offering testimony today
10 as a technical expert; correct?
11 A. It depends on what question you ask me. If
12 you ask me a legal question and I know the answer, I'll
13 answer it.
14 Q. Do you practice as a patent attorney?
15 A. No. I don't maintain a law office. So it's
16 not safe for me to engage in patent matters. I do give
17 informal advice to colleagues at the university, but I
18 do not have clients.
19 Q. Approximately when was the last time that you
20 practiced as a patent attorney?
21 A. Well, I was -- the last time I practiced full
22 time as a patent attorney was in 1997. I don't recall
23 if I took on any matters after leaving the Webb Law
24 Firm, which was in 19--
25 Q. I apologize. Continue.

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1 A. I'm sorry. It was my fault. I broke the
2 answer into two parts.
3 I left the Webb Law Firm, W-E-B-B, in 1997 to
4 come back to Carnegie Mellon University.
5 Q. And were you employed as an attorney at the
6 Webb Law Firm in Pittsburgh, Pennsylvania?
7 A. Yes, from 1990 to 1997.
8 Q. Who did you meet with to prepare for your
9 deposition today?
10 A. I met with counsel.
11 Q. Do you recall which counsel?
12 A. Yes. I met with Mr. Theiss.
13 Q. Did you meet with any other counsel?
14 A. Yes. I met with one of his partners.
15 Q. Do you remember who that was?
16 A. Sure. Just a second. I'm looking it up. Get
17 the full name correct. Dan Golub.
18 Q. Okay. Thank you.
19 A. And I met with --
20 Q. Can you turn to --
21 A. I met with --
22 Q. Sorry. I apologize.
23 A. -- Alexandra, Chen, also.
24 Q. Can you turn to paragraph 19, please.
25 A. Yes. I'm there.

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1 Q. And above paragraph 19 is the header
2 "Materials Considered"; right?
3 A. Yes.
4 Q. Okay. In the first bullet point, you say that
5 you considered all materials filed in this IPR to date;
6 correct?
7 A. Yes.
8 Q. I'm assuming "to date" here means up to the
9 point that you signed your declaration; is that right?
10 A. Yes.
11 Q. Okay. And in the first bullet point, again,
12 it says "All materials filed in this IPR to date."
13 Does that mean that you considered all
14 exhibits cited in the petition?
15 A. Yes.
16 Q. And does "All materials filed in this IPR to
17 date" mean that you considered all the documents cited
18 in Dr. Houh's declaration, Exhibit 1003?
19 A. Yes.
20 Q. Okay. I just want to clarify something for
21 the record. Sorry. I just caught this.
22 In paragraph 20, second line from the bottom,
23 it looks like there's a typo. It says "'386 patent."
24 I think you mean there '692 patent; is that
25 right?

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