

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

|                                    |   |               |
|------------------------------------|---|---------------|
| SAMSUNG ELECTRONICS CO., LTD,      | ) |               |
| SAMSUNG ELECTRONICS AMERICA, INC., | ) |               |
| and APPLE INC.,                    | ) |               |
|                                    | ) |               |
| Petitioner,                        | ) |               |
|                                    | ) |               |
| vs.                                | ) | Case No.      |
|                                    | ) | IPR2022-01248 |
| SMART MOBILE TECHNOLOGIES LLC,     | ) |               |
|                                    | ) |               |
| Patent Owner.                      | ) |               |
|                                    | ) |               |

---

VIDEOCONFERENCED DEPOSITION OF  
DR. MICHAEL A. JENSEN  
SEPTEMBER 29, 2023

Reported by:  
BROOKE SILVAS  
CSR 10988  
Job No. 1029921

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
 3  
 4 SAMSUNG ELECTRONICS CO., LTD. )  
 SAMSUNG ELECTRONICS AMERICA, INC., )  
 5 and APPLE INC., )  
 )  
 6 Petitioner, )  
 )  
 7 vs. ) Case No.  
 ) IPR2022-01248  
 8 SMART MOBILE TECHNOLOGIES LLC, )  
 )  
 9 Patent Owner. )  
 )

10  
 11  
 12  
 13 VIDEOCONFERENCED DEPOSITION OF DR. MICHAEL A.  
 14 JENSEN, taken remotely on behalf of Patent  
 15 Owner, commencing at 8:59 a.m., on Friday,  
 16 September 29, 2023, before Brooke Silvas,  
 17 Certified Shorthand Reporter No. 10988.  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 APPEARANCES OF COUNSEL:  
 2 For Petitioner:  
 3 FISH & RICHARDSON, P.C.  
 4 BY: CHRISTOPHER GREEN, ESQ.  
 SANGKI PARK, ESQ.  
 5 1180 Peachtree Street NE  
 21st Floor  
 Atlanta, Georgia 30309  
 6 404-892-5005  
 cgreen@fr.com  
 7  
 8 For Patent Owner:  
 9 LOWENSTEIN & WEATHERWAX, LLP  
 BY: PARHAM HENDIFAR, ESQ.  
 10 1016 Pico Boulevard  
 Santa Monica, California 90405  
 11 310-307-4510  
 hendifar@lowensteinweatherwax.com  
 12  
 13 Also Present:  
 14 PHILIP GRAVES, ESQ.  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 I N D E X  
 2 WITNESS: DR. MICHAEL A. JENSEN  
 3 EXAMINATION BY PAGE  
 4 MR. HENDIFAR 5  
 5  
 6

7 E X H I B I T S

| 8  | 9    | DEPOSITION | DESCRIPTION | PAGE |
|----|------|------------|-------------|------|
| 10 | 2031 |            | 26          |      |
| 11 | 2032 |            | 27          |      |

12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 FRIDAY, SEPTEMBER 29, 2023; 8:59 A.M.  
 2  
 3 DR. MICHAEL A. JENSEN,  
 4 having been duly administered an  
 5 oath remotely by the reporter, was examined  
 6 and testified as follows:  
 7  
 8 EXAMINATION  
 9 BY MR. HENDIFAR:  
 10 Q Good morning, Dr. Jensen. Thank you very  
 11 much for your time.  
 12 A Good morning.  
 13 Q This is the deposition in connection with  
 14 your second declaration in IPR 2022-01248. So when  
 15 I refer to this matter, that will be the IPR that I  
 16 will be referring to. Is that fair?  
 17 A That's my understanding. Yes, sir.  
 18 Q And do you have access to a copy of your  
 19 second declaration that was filed as Exhibit 1051 in  
 20 this matter?  
 21 A Yes, sir, I do.  
 22 Q And do you have access to clean copies of  
 23 the exhibits filed in this matter?  
 24 A Yes. I believe -- I believe so. I don't  
 25 know if I have everything available. So I will let

1 you know if you ask me for something, and I can't  
2 find it quickly.

3 Q Yes. And if there is anything that you  
4 need, I will be happy to put the exhibit in the chat  
5 box. And that's not a problem.

6 A Perfect.

7 Q Do you have any notes, writings, or  
8 unclean exhibits that have writings on them  
9 available to you right now?

10 A Nothing -- nothing open. Everything that  
11 I have open is clean.

12 Q Okay. And I have no objection to you  
13 viewing any necessary documents in order to answer  
14 my questions accurately, but I do request that you  
15 let me know what you're reviewing. Is that fair?

16 A I understand. Yes, sir.

17 Q And you have been deposed in connection  
18 with your first declaration in this IPR; correct?

19 A That's my recollection, yes, sir.

20 Q And you're familiar with the rules of the  
21 deposition, so I will not be wasting your time with  
22 repeating them. But do you have any questions about  
23 the procedures, rules, posture, or anything else  
24 about the deposition?

25 A No, I have no questions.

1 this. However, all -- all final versions, including  
2 the final version of this, are my words and my -- my  
3 opinions.

4 Q And did you determine which arguments to  
5 respond to in your declaration?

6 A Once again, that was collaborative with  
7 counsel. Those things that counsel was eager for me  
8 to clarify my opinions on. I followed their  
9 guidance.

10 Q And did you determine the order of the  
11 presentation of the arguments in your declaration?

12 A Once again, I would call that  
13 collaborative with -- with counsel.

14 Q May I refer you please to paragraph 8 of  
15 your declaration.

16 A Okay. Yes, sir. I'm at paragraph 8.

17 Q And do you see the first sentence in that  
18 paragraph starts with, quote, "Based solely on  
19 Dr. Cooklev's testimony," end quote? Do you see  
20 that?

21 A Yes, of course.

22 Q Is that the terminology that you chose to  
23 use in presenting your opinion?

24 A I don't recall the origin of that exact  
25 terminology. I mean, ultimately I take

1 Q Okay. What did you do to prepare for  
2 today's deposition?

3 A I reread this second declaration, a  
4 supplemental declaration that I had written, my  
5 original declaration, refamiliarized myself with  
6 some of the primary references related to this, and  
7 spent some time with counsel.

8 Q And how many hours did you spend with  
9 counsel -- and I don't need to know the contents of  
10 the discussion. But just how many hours did you  
11 spend with counsel in preparation for your  
12 deposition today?

13 A I estimate between four and five hours.

14 Q And did you review any documents in  
15 preparation for deposition -- for the deposition  
16 today that are not of the record in the IPR?

17 A No, sir.

18 Q May I now please refer you to  
19 Exhibit 1051, which is your second declaration.

20 A Yes. I have my second declaration open on  
21 my desktop.

22 Q Thank you. And who drafted this  
23 declaration?

24 A As I have testified consistently  
25 throughout this case, I collaborated with counsel on

1 responsibility for the final words on the page.

2 Q And is it your view that patent owner's  
3 evidence regarding the reasonable expectation of  
4 success was solely Dr. Cooklev's testimony?

5 A It was the only thing that I was aware of  
6 on -- on this particular issue that patent owner was  
7 citing.

8 Q And what is the basis of your knowledge  
9 about what you're aware of regarding patent owner's  
10 evidence?

11 A Again, I've reviewed the documents, the  
12 patent owner's response. So, yeah, I would guess  
13 that's the main thing that I looked at in -- in this  
14 context, was the patent owner response.

15 Q Now, how many hours would you say you  
16 spent preparing for today's deposition?

17 A Just in preparing for today's deposition,  
18 approximately -- including the time that I already  
19 alleged or talked about with counsel, about ten  
20 hours.

21 Q And how many hours approximately did you  
22 spend preparing your second declaration?

23 A Oh, I don't know. Tens -- many tens of  
24 hours. I don't know exactly how many tens, but many  
25 tens of hours.

1 Q May I please refer you to paragraph 58 of  
2 your declaration.

3 A Yes, sir.

4 Q And this is a list of documents that you  
5 have reviewed in connection with preparing your  
6 second deposition -- I'm sorry -- second  
7 declaration; correct?

8 A Yes, sir. That's correct.

9 Q Okay. My question is, did you review a  
10 copy of your deposition transcript in connection  
11 with drafting your second declaration?

12 A I have reviewed my deposition transcript  
13 before -- before preparing my second declaration. I  
14 didn't review it deliberately during the preparation  
15 of my second declaration.

16 Q I'm sorry. I'm not sure I understand the  
17 distinction. Will you please elaborate?

18 A Well, I thought what you were asking me  
19 was specifically as I was preparing my second  
20 declaration was my review of my transcript of my  
21 first deposition part of that. I reviewed my first  
22 deposition transcript shortly after I received it,  
23 which was in advance of my work preparing the second  
24 declaration.

25 Q Understood. And may I ask why you didn't

1 Q What does -- do you refer to it as an IP  
2 multimedia -- I'm sorry. Excuse me. I usually have  
3 water. I forgot today. My colleague is grabbing  
4 one for me.

5 Have you heard the term IMS prior to  
6 today's deposition?

7 A Again, I -- it's something in my -- in my  
8 general knowledge. I can't say if -- you know,  
9 where I've heard it, when. So I think it's clear.

10 Q What is your understanding of the term  
11 Voice over IP?

12 A Voice over IP is a packet-based or an  
13 IP-based way to -- to transmit voice. Typically a  
14 phone conversation.

15 Q So it requires a real-time ability for the  
16 system to support the Voice over IP transfer;  
17 correct?

18 A It requires a low latency network. In  
19 order for meaningful conversation to be had, you  
20 need a low latency network.

21 Q Are you familiar with the relationship, if  
22 any, between Voice over IP and IMS?

23 A No, sir. I don't know how those terms  
24 relate.

25 Q Can you give me a few examples of Voice

1 see the need to review your second -- your first  
2 deposition transcript in connection with preparing  
3 your second declaration?

4 A I'm not sure the question. I mean, it was  
5 my testimony. I verified that what I had testified  
6 previously had matched my opinions. So I -- I  
7 didn't see a need to rereview it as I was preparing  
8 my second declaration.

9 Q Are you familiar with the term IP  
10 Multimedia Subsystem, also known as IMS?

11 A Oh, I would not say I have a deep  
12 comprehension. I'm familiar with the term. I  
13 wouldn't say I have a deep understanding of what  
14 you're referring to.

15 Q What is your understanding currently of  
16 the term IMS?

17 A So, I mean, an IP-based multimedia  
18 subsystem, my understanding of it is exactly what --  
19 what the term sounds like, right. It is a  
20 packet-based or Internet Protocol, which is a  
21 packet-based, packet-switched system for multimedia  
22 services. But that -- beyond that, I don't know.

23 Q Do you know what -- excuse me. Do you  
24 know what IMS is used for?

25 A Beyond what I've just testified, no, sir.

1 over IP systems or applications today so I can  
2 familiarize myself with what it really means?

3 A Well, once again, Voice over IP is any  
4 IP-based transfer of voice. So most modern  
5 telephones are Voice over IP.

6 Q I see. So if I pick up -- I have a cell  
7 phone now which is an iPhone 12. And it is on the  
8 Verizon network. So if I make a call, that is going  
9 to be a Voice over IP call?

10 A I can't speak precisely to every phone.  
11 But generally, today's phone -- cellular networks do  
12 Voice over IP.

13 Q I see. And what was the predecessor to  
14 Voice over IP?

15 A Well, I'm not sure I understand your  
16 question. I mean, are you talking about what was --  
17 what was the technology behind legacy?

18 Q Sure. So I'm asking -- you mentioned  
19 modern phones generally use Voice over IP. So my  
20 question is, I'm trying to understand how did the  
21 phones make phone calls prior to Voice over IP?

22 A Oh, I mean different technologies have  
23 existed depending on cell phone, landline phone, to  
24 carry voice. They could have been digital or analog  
25 ways to carry voice. And generally circuit-switched

1 architectures, as opposed to the packet-switched  
2 architectures of IP.

3 Q So Voice over IP is based on a  
4 packet-switched architecture; correct?

5 A Yes. Internet Protocol. I mean, Voice  
6 over IP is Voice over Internet Protocol. Internet  
7 Protocol is a packet-switched architecture. Yes,  
8 sir.

9 Q There are packet-switched architecture  
10 other than ones relying on Internet Protocol;  
11 correct?

12 A Yes. IP and packet-switched are not  
13 synonymous. But IP is packet-switched.

14 Q Understood. And can you maybe provide a  
15 brief explanation -- and the reason I ask you these  
16 questions is you submitted an expert declaration.  
17 So I rely on what you explain to me so I can explain  
18 to the board this is what these terms mean. So can  
19 you provide a brief understanding of what a  
20 packet-switched network is and what that  
21 architecture entails?

22 A Well, I'm not prepared to give you a long  
23 explanation of packet-switched architectures. But  
24 in -- but in general, I can say this much:  
25 Packet-switched architectures look at each

1 circuit-switched; correct?

2 A Yes. The earliest cell phone  
3 architectures relied on a circuit-switched  
4 architecture.

5 Q And was the 2G standard also  
6 circuit-switched?

7 A I'm not confident in exactly when the  
8 standard changed. But generally those early ones  
9 were circuit-switched.

10 Q And same question for LTE. LTE is  
11 packet-switched; right?

12 A Again, I'm not confident. LTE is  
13 certainly a digital standard. I believe it's  
14 packet-switched, but I -- I don't want to testify  
15 confidently. I just -- I just don't know the  
16 evolution of the standards. I don't recall them and  
17 when they went from circuit-switched to  
18 packet-switched.

19 Q Okay. I believe I know the answer, but  
20 just to have the record clear, was the -- and if  
21 I -- I don't know if I asked earlier. I apologize  
22 if I already did. Was the 3G standard  
23 packet-switched or circuit-switched architecture?

24 A Again, I'm not confident in -- in exactly  
25 what the architecture was for 3G. It was about that

1 individual packet. And each individual packet can  
2 be routed through the network independently of the  
3 other packets that are routed through the network,  
4 even if they belong to the same message.

5 Q Understood. Now, can you name a couple of  
6 other examples of packet-switched architectures that  
7 are not based on IP?

8 A Oh, I haven't reviewed this in some time.  
9 So I don't think that I would be -- I'm afraid I  
10 could make a mistake. So I don't think I'm prepared  
11 to -- to do that today and do it well.

12 Q And you also mentioned circuit-switched  
13 architecture; correct?

14 A Yes, sir.

15 Q Okay. Can you maybe provide a short  
16 explanation of what that entails?

17 A Again, in contrast to packet-switched,  
18 circuit-switched is an architecture where the  
19 network provides a dedicated path between the two  
20 ends of the link for the duration or at least some  
21 duration of the communication that is happening.

22 Q The first generation I believe is referred  
23 to as 1G network -- excuse me. Strike that.

24 The first generation of the protocols I  
25 believe is referred to as 1G. That was

1 time that things were switching to packet-switched.

2 Q May I please refer you to Exhibit 1016,  
3 the Ota reference.

4 A Just give me a moment. I didn't have that  
5 one up.

6 Q And, again, any exhibit that you need that  
7 you don't have, please let me know.

8 A And I will. That one I have ready access  
9 to. And I now have it open on my desktop.

10 Q Thank you. Did you review the Ota exhibit  
11 in connection with preparing your second  
12 declaration?

13 A I did not revisit the Ota reference in --  
14 as I prepared my second declaration.

15 Q Are you aware of how the Ota reference  
16 determines which of the two IP addresses to use for  
17 each individual packet that is transmitted?

18 A I'm sorry. It's been a long time since  
19 I've reviewed that reference. So I don't recall the  
20 details of its approach. I remember generally the  
21 reference, but I don't remember the details of its  
22 approach.

23 Q It's a relatively short reference. Do you  
24 think if you review it now, whatever portion of it  
25 that you need, that that would help refresh your

# 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.