

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

SAMSUNG ELECTRONICS CO.,	)	IPR2022-01248
LTD., SAMSUNG ELECTRONICS	)	PATENT 8,842,653
AMERICA, INC., and APPLE,	)	
INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
SMART MOBILE TECHNOLOGIES	)	
LLC,	)	
	)	
Patent Owner.	)	
_____	)	

REMOTE DEPOSITION OF MICHAEL JENSEN, PH.D.  
PROVO, UTAH  
THURSDAY, APRIL 13, 2023

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DORIEN SAITO, CSR 12568, CLR



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 4 SAMSUNG ELECTRONICS CO., ) IPR2022-01248  
 LTD., SAMSUNG ELECTRONICS ) PATENT 8,842,653  
 5 AMERICA, INC., and APPLE, )  
 INC., )  
 6 )  
 Petitioner, )  
 7 )  
 vs. )  
 8 )  
 SMART MOBILE TECHNOLOGIES )  
 9 LLC, )  
 10 )  
 Patent Owner. )  
 \_\_\_\_\_ )  
 11 )  
 12 )  
 13 REMOTE DEPOSITION OF MICHAEL  
 14 JENSEN, PH.D., taken on behalf of  
 15 PATENT OWNER, in Provo, Utah,  
 16 commencing at 9:08 a.m., Thursday,  
 17 April 13, 2023, before DORIEN  
 18 SAITO, CSR 12568, CLR.  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )

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1 A P P E A R A N C E S :  
 2  
 3 FOR PETITIONER SAMSUNG ELECTRONICS CO., LTD.,  
 SAMSUNG ELECTRONICS AMERICA, INC.; and APPLE  
 INC.:  
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 hendifar@lowensteinweatherman.com  
 12  
 13 ALSO PRESENT:  
 14  
 PHILIP GRAVES  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
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1 I N D E X  
 2 W I T N E S S :  
 3 MICHAEL JENSEN, PH.D. PAGE  
 4 EXAMINATION BY MR. HENDIFAR 6  
 5  
 6 INFORMATION REQUESTED:  
 7 (NONE)  
 8  
 9 QUESTIONS INSTRUCTED NOT TO ANSWER:  
 10 (NONE)  
 11  
 12 E X H I B I T S :  
 13 PETITIONER'S DESCRIPTION PAGE  
 14 Exhibit 2020 Microsoft Computer Dictionary 33  
 Fourth Edition  
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1 PROVO, UTAH; THURSDAY, APRIL 13, 2023  
 2 9:08 A.M.  
 3 -0o0-  
 4 \*\*\*  
 5 THE REPORTER: Good morning. Because  
 6 we are all appearing remotely, I would like to  
 7 remind everyone to be more conscious than ever of  
 8 not speaking over each other. When there are  
 9 simultaneous speakers, I will not be able to hear  
 10 any of the words that are being said.  
 11 Pauses are very important to ensure that I  
 12 have time to clarify the record and to ensure all  
 13 objections are on the record.  
 14 Please also be aware that noises around  
 15 your microphone cause disruptions in how words come  
 16 through on a virtual platform. If you are not  
 17 speaking, please mute yourself.  
 18 I will now swear in the witness.  
 19 \*\*\*  
 20 MICHAEL JENSEN, PH.D.,  
 21 having been duly administered an oath  
 22 in accordance with CCP 2094, was  
 23 examined and testified as follows:  
 24 ///  
 25 ///

6

1  
2 BY MR. HENDIFAR:  
3 **Q. Good morning, Dr. Jensen.**  
4 A. Good morning.  
5 **Q. Thank you very much for your time this**  
6 **morning. We had an -- we had a prior deposition in**  
7 **another IPR between the parties, IPR2022-01002.**  
8 **Do you recall that?**  
9 A. I remember the deposition. I don't  
10 remember the case number. But yes, I remember the  
11 deposition.  
12 **Q. Thank you.**  
13 **And we discussed the background information**  
14 **as well as the procedure for the deposition. Is**  
15 **there any part of your testimony in the prior**  
16 **deposition in IPR2022-01002 that you now have come**  
17 **to believe was not accurate?**  
18 A. No, sir.  
19 **Q. So all the information about your**  
20 **background, expertise and experience, as you**  
21 **testified in that earlier deposition, will apply to**  
22 **this deposition as well; correct?**  
23 A. Yes, sir.  
24 **Q. I understand you have also been deposed in**  
25 **yet another IPR between the same parties by my**

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1 **deposition, other than issues relating to privilege;**  
2 **correct?**  
3 A. I understand that.  
4 **Q. So we will take breaks over the course of**  
5 **today, but it will be my expectation that you won't**  
6 **be discussing the substance of your testimony with**  
7 **your attorney unless it's a privileged issue. And**  
8 **please let me know if, at any point, that turns out**  
9 **not to be the case.**  
10 A. I understand. That's correct. Yes.  
11 **Q. Thank you.**  
12 **Your counsel will make short, two word, non**  
13 **speaking objections such as objection; scope. Once**  
14 **Counsel makes the objections, you still have to**  
15 **answer the question unless you're specifically**  
16 **instructed not to answer.**  
17 **If -- because Counsel will not be able to**  
18 **provide speaking objections, if you have any doubts**  
19 **about what I'm asking, if you need more information**  
20 **or if my question is in any way ambiguous or not**  
21 **clear to you, please let me know and I will be happy**  
22 **to rephrase that question. Is that fair?**  
23 A. I understand.  
24 **Q. Thank you.**  
25 **And if you do answer a question, I will**

7

1 **colleague Mr. Philip Graves in IPR2022-00766.**  
2 **Do you recall that?**  
3 A. I don't recall being deposed by Mr. Graves.  
4 Mr. Hwang maybe?  
5 **Q. Yes. I'm sorry. Let me check that. One**  
6 **moment, please.**  
7 **That's correct, with Mr. Rex Hwang. I**  
8 **apologize.**  
9 **Do you recall that deposition? It was**  
10 **January of 2023.**  
11 A. Yes, I recall the deposition with  
12 Mr. Hwang.  
13 **Q. Any part of your testimony in that**  
14 **deposition that you have now come to believe was not**  
15 **accurate?**  
16 A. No.  
17 **Q. In fact, this is a routine question, I'm**  
18 **not trying to get -- this is really just routine**  
19 **that I have to ask just to cover my bases. I**  
20 **appreciate your patience.**  
21 A. Yes, of course.  
22 **Q. Thank you.**  
23 **So you understand that in an IPR deposition**  
24 **you are not permitted to speak with your attorney**  
25 **during the breaks regarding the contents of your**

9

1 **assume that you have understood as well. Okay?**  
2 A. I agree. Yes.  
3 **Q. Okay. Thank you.**  
4 **What is your hourly compensation in**  
5 **connection with this matter, which is IPR2022-01248?**  
6 A. \$475 per hour.  
7 **Q. Okay. And is that your ordinary and**  
8 **customary hourly rate for IP consultation?**  
9 A. Yes, sir.  
10 **Q. Now, you submitted a declaration in this**  
11 **IPR marked 1003; correct?**  
12 A. I -- yes, that's correct.  
13 **Q. Okay. And in your declaration, you relied**  
14 **on various prior art references to allege or opine**  
15 **that various claims are -- of the '653 patent are**  
16 **invalid; correct?**  
17 A. Yes, sir.  
18 **Q. And the first reference that I would like**  
19 **to discuss is called Yegoshin, Exhibit 1004.**  
20 **Do you recall that reference?**  
21 A. Yes.  
22 **Q. And did you identify that reference to be**  
23 **used in your declaration?**  
24 A. No, sir, I did not. I did not identify  
25 this reference.

10

1 **Q. How did you come to learn of the existence**  
2 **of the declaration?**  
3 A. Counsel pointed me towards this reference.  
4 **Q. Did you have any familiarity with the**  
5 **inventor of Yegoshin, Mr. Yegoshin, prior to this**  
6 **IPR?**  
7 A. No, sir, I did not.  
8 **Q. Okay. Same question for the Johnston**  
9 **reference marked as Exhibit 1005. Did you identify**  
10 **the Johnston reference to be used in your**  
11 **declaration?**  
12 A. So this one's slightly differently because  
13 this one cites my work. I was aware of this patent,  
14 but Counsel had also independently identified it.  
15 **Q. And which are -- I'm sorry. Would you**  
16 **please point me to where Johnston cites your work,**  
17 **please?**  
18 A. Sure.  
19 So in that reference, I -- in the other  
20 publications, my work is the final paper in that  
21 list. And there are -- if you'd like me to find,  
22 there are places in the patent where he refers to it  
23 in talking about prior art.  
24 **Q. No. I found the paper. I just wanted to**  
25 **confirm. That's okay.**

12

1 **Q. Okay. Is it fair to say that you did not**  
2 **find any prior art that you found sufficiently close**  
3 **to the invention to be the basis of your grounds in**  
4 **your declaration?**  
5 MR. KAZI: Objection to form.  
6 THE WITNESS: I -- I don't know if that's  
7 fair to say. I think, in review, I did find  
8 references in review of the references. The set  
9 that we selected were the ones that I felt were  
10 the -- were the best to try to keep it to as few  
11 references as possible.  
12 BY MR. HENDIFAR:  
13 **Q. Okay. Have any of your opinions stated in**  
14 **your declaration, Exhibit 1003, changed since you**  
15 **submitted the declaration?**  
16 A. No, sir.  
17 **Q. And did you draft your declaration in**  
18 **Exhibit 1003?**  
19 A. So -- so that's a -- that's a big question.  
20 Would you like some detail about how that came to  
21 be? I did not draft everything in that declaration.  
22 **Q. Which parts did you draft?**  
23 A. Well, certainly the figures and the  
24 annotated figures, Counsel helps me with those,  
25 under my guidance of what I would like to show.

11

1 **Same question about the Billstrom**  
2 **reference. Did you identify the Billstrom reference**  
3 **that was used in your declaration?**  
4 A. So no, I did not find this reference.  
5 **Q. And were you familiar with Billstrom's**  
6 **named inventor, Billstrom, prior to this IPR?**  
7 A. No, sir.  
8 **Q. And did I understand you correctly that you**  
9 **were familiar with Johnston, the inventor of**  
10 **Exhibit 1005, prior to this IPR?**  
11 A. I did not know Mr. Johnston, but I was  
12 aware of the -- the patent.  
13 **Q. Understood.**  
14 **Same question for Exhibit 1007, the Bernard**  
15 **reference. Did you identify the Bernard reference**  
16 **you used in your declaration?**  
17 A. No, sir.  
18 **Q. And were you familiar with Mr. Bernard, the**  
19 **named inventor of the Bernard reference, prior to**  
20 **this IPR?**  
21 A. No, sir.  
22 **Q. When you were retained for this IPR, did**  
23 **you conduct any prior art search to identify**  
24 **references to be used in your declaration?**  
25 A. Yes, sir, I did.

13

1 There's legal language in my declaration, that first  
2 draft by Counsel, so that I could review it and --  
3 and edit it. And then the other parts were  
4 collaborative.  
5 There were first drafts, and I couldn't  
6 tell you which parts were which, where Counsel  
7 helped. But in the end, I edited and every -- every  
8 part of the declaration and it became my own  
9 document.  
10 **Q. I understand. And thank you very much for**  
11 **that explanation. I appreciate it.**  
12 **In preparing your declaration,**  
13 **Exhibit 1003, did you review the prosecution history**  
14 **of the '653 patent?**  
15 A. Briefly.  
16 **Q. Briefly. And when you say "briefly," could**  
17 **you elaborate on the extent of your review, please?**  
18 A. Well, this was some time ago. I -- I am --  
19 I know that I didn't read every single word and  
20 digest the whole of the file, but I did go through  
21 the entire document and read different parts more  
22 carefully than others. That's my recollection.  
23 **Q. In preparing your declaration in**  
24 **Exhibit 1003, did you review the prosecution history**  
25 **of any other patents in the same family as the '653**

14

1 patent?  
 2 A. Well, I think the '946 is in the same  
 3 family and I would have done a similar review of its  
 4 file history. Honestly, there's so many patents, I  
 5 don't recall if there's others in the same family,  
 6 so we'd have to talk about specifics there.  
 7 **Q. I guess my question is if you reviewed**  
 8 **anything in connection with preparing your**  
 9 **declaration here. So maybe if I narrow the**  
 10 **question, I can rephrase the question.**  
 11 **So in preparing your declaration in**  
 12 **Exhibit 1003, did you review the prosecution history**  
 13 **of any other patents in the same family as the '653**  
 14 **patent?**  
 15 A. Again, I think the best way to answer that  
 16 is I know I reviewed the file history of '946. And  
 17 the timing of it in preparation for this declaration  
 18 and the other, there's a lot happening back then. I  
 19 just can't be confident in saying whether I did or  
 20 did not use any of that awareness for this  
 21 declaration. Presumably it would have influenced  
 22 me, but I just don't recall the details.  
 23 **Q. Fair enough.**  
 24 **What did you do to prepare for today's**  
 25 **deposition?**

16

1 it -- it didn't happen. I don't recall the details  
 2 of -- of discussions on claim construction.  
 3 **Q. When, approximately, were you first made**  
 4 **aware of, for example, petitioners' district court**  
 5 **claim construction position with respect to the term**  
 6 **"multiplexing"?**  
 7 A. So I know I was reminded of it recently in  
 8 the last few weeks. Whether I had seen that before,  
 9 I just don't recall.  
 10 **Q. Did you do any analysis to confirm that**  
 11 **your opinions in your declaration in Exhibit 1003 do**  
 12 **not conflict with petitioners' district court**  
 13 **positions?**  
 14 A. So when I became aware within the last few  
 15 weeks, I did such an exercise to ensure that the way  
 16 I was applying the term "multiplexing" was not in  
 17 conflict with that -- with that proposed  
 18 construction.  
 19 **Q. But you did not do so at the time you**  
 20 **submitted 1003?**  
 21 A. Again, I don't recall that exercise. If it  
 22 happened, I don't recall it.  
 23 **Q. And how can you identify the district court**  
 24 **documents that you have reviewed today in connection**  
 25 **with petitioners' claim construction positions in**

15

1 A. Certainly reviewed, reread my declaration  
 2 1003, as well as the primary references, spent some  
 3 time with Counsel discussing certain issues.  
 4 **Q. Did you review any other documents in**  
 5 **preparation for your deposition today?**  
 6 A. Obviously the '653 patent was part of that.  
 7 I don't recall any others.  
 8 **Q. Are you familiar with petitioners Samsung**  
 9 **and Apple's claim construction positions in the**  
 10 **district court litigation between the parties?**  
 11 A. So I have been made aware of some claim  
 12 construction and some documents have been shared  
 13 with me, and so I have seen parts of those  
 14 documents.  
 15 **Q. Okay. And do you recall what documents you**  
 16 **have seen?**  
 17 A. I believe they were briefs submitted to the  
 18 court. I -- I'd have to -- I'd have to go look and  
 19 see what those were. Or submitted to the board,  
 20 say.  
 21 **Q. And were you aware of petitioners' district**  
 22 **court claim construction position prior to**  
 23 **submitting your declaration here as Exhibit 1003?**  
 24 A. I don't recall any discussions on  
 25 petitioners' claim constructions. That doesn't mean

17

1 **the district court?**  
 2 MR. KAZI: Objection to form.  
 3 THE WITNESS: Did I step on somebody?  
 4 Sorry. There maybe was an echo.  
 5 I -- I believe I have such a document in my  
 6 email inbox that I would have to bring up and find  
 7 the email and the document.  
 8 BY MR. HENDIFAR:  
 9 **Q. Is it just one document?**  
 10 A. I just don't recall. There may have been  
 11 two. It wasn't a lot of documents. I know that  
 12 much.  
 13 **Q. Is it in one email?**  
 14 A. Yes, I think so.  
 15 **Q. Do you happen to have access to it on your**  
 16 **computer now?**  
 17 A. Yes. I have email closed, but I can open  
 18 it.  
 19 **Q. I appreciate it. Sure. And generally, I**  
 20 **don't mind if you need to look at any documents on**  
 21 **your computer as long as you share with me what**  
 22 **you're looking at and they're not marked.**  
 23 **But I -- yes, if you could maybe bring up**  
 24 **the email to let me know what documents from the**  
 25 **district court you have reviewed in connection with**

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