

EXHIBIT D

1 ROBERT DEZMELYK
2 UNITED STATES INTERNATIONAL TRADE COMMISSION
3 WASHINGTON, D.C.
4 INVESTIGATION NO. 337-TA-714
5 IN THE MATTER OF:
6 CERTAIN ELECTRONIC DEVICES WITH
7 MULTI-TOUCH ENABLED TOUCHPADS
8 AND TOUCHSCREENS

9 /
10 VIDEOTAPED DEPOSITION OF ROBERT DEZMELYK
11 WASHINGTON, D.C.

12 Tuesday, August 17, 2010

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24 JOB NO. 32753

25 REPORTED BY: Kathy Savich, RPR, CLR

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 2 claims totally differently. Maybe your --
 3 the structure you're looking for is -- is a
 4 different -- I am not sure why I -- you
 5 know --
 6 BY MS. MEHTA:
 7 Q. Let me ask it --
 8 A. -- what -- what the point is
 9 you're trying to get at.
 10 Q. Let me ask it a different way.
 11 Is there any disclosure that
 12 you're aware of in the '352 patent that
 13 provides a click function based on removal
 14 and reappearance where the algorithm defines
 15 time as a factor or input into deciding
 16 whether there has been a click function?
 17 A. Okay. The algorithm always has
 18 time and generates reports in a time basis.
 19 I think you're asking, in interpreting the
 20 claim, to mean is it like a time-based tap
 21 function, right, that is where you
 22 independently measure the time, and then you
 23 delay your reporting to say, oh, I didn't get
 24 a button down or I didn't get a button up
 25 based on some -- because that's -- that's

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 2 generation of events because that's
 3 part of the prior art.
 4 BY MS. MEHTA:
 5 Q. And you offered an opinion on
 6 that in your declaration two weeks ago,
 7 correct, on that term?
 8 A. Probably.
 9 Q. August 3rd, 2010, CX-25, last
 10 page.
 11 A. What I see here is completely
 12 consistent with what I have said today. Do
 13 you have a question about it?
 14 Q. No. I just asked whether you
 15 had offered an opinion on that term in your
 16 declaration two weeks ago.
 17 A. Right. But -- but it's on the
 18 means -- it's not the term. I would make --
 19 let's make it clear. It's on the -- this
 20 declaration from, I believe, the rebuttal
 21 declaration that you were talking about the
 22 same declaration from -- you're saying from
 23 -- which one? The one from the 3rd or from
 24 two weeks ago? This is -- two weeks ago is
 25 not quite -- yeah, it's almost two weeks ago,

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 2 what you're describing.
 3 Q. No. What I mean -- let me -- I
 4 think that's not what I am describing.
 5 What I am describing is, is
 6 there any algorithm that considers whether
 7 removal and replacement of the maxima happens
 8 at a predetermined time as a factor in
 9 deciding whether to provide a click function?
 10 MR. HU: Objection. The
 11 question is vague.
 12 THE WITNESS: No. But -- there
 13 is an important but -- of course, the
 14 practitioners would know how to do
 15 that. So there is probably enough
 16 disclosure -- and, again, I'm -- this
 17 is -- now, I am not -- now I'm talking
 18 about a claim I have not been asked to
 19 testify about but -- okay, so I
 20 haven't done any prep on it or
 21 anything for a long time, but the --
 22 there is prior disclosure -- there is
 23 sufficient knowledge in the prior art
 24 that the practitioners of this
 25 certainly know how to do time-based

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 2 right? Yeah. Two weeks, 3rd.
 3 The one on the 3rd is in
 4 rebuttal of Dr. Balakrishnan's --
 5 Balakrishnan's, pardon me -- statements on
 6 that. So my opinion in there is primarily
 7 concentrated on what's wrong with his
 8 argument.
 9 Q. But you reviewed the patent and
 10 the materials carefully in rendering your
 11 opinions in that declaration, correct?
 12 A. Right. But I want to make it
 13 clear, my -- my opinion is not on a
 14 particular -- it's on the claim as a whole --
 15 Q. Understood.
 16 A. -- not on some word in the
 17 claim.
 18 Q. I understand that. I am simply
 19 asking whether, in preparing your declaration
 20 in the case, you endeavored to review the
 21 patent and the other appropriate materials
 22 and give your best opinion as to the meaning
 23 of the claims.
 24 A. Of course. And I -- and I -- I
 25 wrote this, so, clearly, at that point in