

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of:)
)
CERTAIN OUTDOOR AND) Inv. No. 337-TA-1331
SEMI-OUTDOOR ELECTRONIC)
DISPLAYS, PRODUCTS CONTAINING)
SAME, AND COMPONENTS THEREOF)
)

*** CONFIDENTIAL BUSINESS INFORMATION ***

VIDEO-RECORDED DEPOSITION OF
ROBERT SMITH-GILLESPIE

Goodwin Procter
680 Eighth Avenue
New York, New York
April 26, 2023
9:39 a.m. (EDT)

REPORTED BY: MONIQUE CABRERA

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 04/26/2023
2 9:39 a.m. (EDT)

3
4
5 VIDEO-RECORDED DEPOSITION OF ROBERT
6 SMITH-GILLESPIE, held at the offices of Goodwin
7 Procter, 680 Eighth Avenue, New York, New York,
8 before Monique Cabrera, Shorthand Reporter, and
9 Notary Public of the State of New York.

10
11
12
13
14
15
16
17
18
19
20
21
22

1 A P P E A R A N C E S
2 ON BEHALF OF SAMSUNG ELECTRONICS CO., LTD.,
3 SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SDS
4 CO., LTD., AND SAMSUNG SDS AMERICAN, INC.:
5 Douglas J. Kline, Esquire
6 Goodwin Procter, LLP
7 100 Northern Avenue
8 Boston, MA 02210
9 PHONE: +1.617.570.1209
10 E-MAIL: Dkline@goodwinlaw.com
11 -AND-
12 Christine Potkay, Esquire
13 Goodwin Procter LLP
14 620 Eighth Avenue
15 New York, New York
16 PHONE: +1 617 570 1209
17 E-MAIL: Cpotkay@goodwinlaw.com
18 ON BEHALF OF MANUFACTURING RESOURCES
19 INTERNATIONAL, INC.:
20 Matthew J. Meyer, Esquire
21 Kilpatrick Townsend & Stockton
22 1080 Marsh Road
23 Menlo Park, CA USA 94025
24 PHONE: 650.614.6414
25 E-MAIL: Mmeyer@kilpatricktownsend.com
26 -AND-
27 Andie Anderson, Esquire
28 Kilpatrick Townsend & Stockton
29 1001 West Fourth Street
30 Winston Salem, North Carolina 27101
31 PHONE: 1.336.979.9835
32 E-MAIL: Andie.anderson@kilpatricktownsend.com
33 ALSO PRESENT:
34 Daniel Ortega, Legal Videographer - Digital
35 Evidence Group

1 I N D E X

2 WITNESS EXAMINATION BY PAGE

3 ROBERT MR. MEYER 7

4 SMITH-GILLESPIE

5

6 E X H I B I T S

7 EXHIBIT DESCRIPTION PAGE

8 Exhibit 1 Smith-Gillespie Report..... 12

9 Exhibit 2 Document..... 34

10 Exhibit 3 Printout of Noren Website..... 36

11 Exhibit 4 US Patent No. 5,748,269..... 38

12 Exhibit 5 US Patent No. 6,798,655..... 47

13 Exhibit 6 Kitamura Patent Publication H8-54934..... 56

14 Exhibit 7 Karppanen Patent Application PCT

15 FI/2006/050145..... 64

16 Exhibit 8 '142 Patent..... 69

17 Exhibit 9 US Provisional Patent Application

18 61/033064..... 72

19 Exhibit 10 Kimura Reference..... 77

20 Exhibit 11 US Patent No. 9,173,322..... 101

21 Exhibit 12 Kim Reference..... 108

22 Exhibit 13 US Patent No. 8,854,595..... 116

Page 5

1 E X H I B I T S, CON'T

2	EXHIBIT	DESCRIPTION	PAGE
3	Exhibit 14	Hong Reference.....	121
4	Exhibit 15	Wellhofer.....	126
5	Exhibit 16	Yare Reference.....	133
6	Exhibit 17	Document Bates No. Gavel 000503.....	141

7

8 R E Q U E S T S

9	DESCRIPTION	PAGE
10	Read and Sign.....	145
11	Designate transcript as confidential business	
12	information.....	145

13

14

15

16

17

18

19

20

21

22

1 THE VIDEOGRAPHER: We are now on the
2 record. My name is Daniel Ortega and I am
3 the legal videographer for Digital Evidence
4 Group. Today's date is April 26, 2023 and
5 the time is 9:39 a.m.

6 This video deposition is being held
7 at 620 Eighth Avenue, New York, New York in
8 the matter of Certain Outdoor and
9 Semi-Outdoor Electronics Displays, et al.

10 The deponent today is Robert
11 Smith-Gillespie.

12 Counsel, please identify yourselves
13 for the record.

14 MR. MEYER: This is Matthew Meyer
15 for the law firm of Kilpatrick, Townsend here
16 on behalf of complainants, MRI, and with me
17 is my colleague Andie Anderson, also of
18 Kilpatrick, Townsend.

19 MR. KLINE: Doug Kline of Goodwin
20 for the respondent and for the witness. And
21 with me is my colleague, Christine Potkay.

22 THE VIDEOGRAPHER: The court

1 reporter today is Monique Cabrera who will
2 now swear in the witness.

3 ROBERT SMITH-GILLESPIE, called as a witness,
4 having been first duly sworn by a Notary Public
5 of the State of New York, was examined and
6 testified as follows:

7 COURT REPORTER: Can you state your
8 name and address for the record.

9 THE WITNESS: Robert
10 Smith-Gillespie; address is 2790 Timberline
11 Drive, Eugene, Oregon 97405.

12 EXAMINATION

13 BY MR. MEYER:

14 Q. Mr. Smith-Gillespie, do you
15 understand that you are here testifying under
16 oath the same as if you were in court today?

17 A. I do.

18 Q. And is there any reason you're
19 unable to give complete, honest, and truthful
20 testimony today?

21 A. There is not.

22 Q. And you have had your deposition

1 according to need. The cooling elements are
2 preferably so-called LDA elements."

3 Q. And --

4 A. But that's a "preferably," not they
5 have to be, because right above that, it -- it
6 says that it can be other things.

7 Q. Right. And you discussed LDA
8 elements a little bit earlier today.

9 Are LDA elements the same things as
10 a heat exchanger?

11 A. I would say no.

12 Q. And why is that?

13 A. They're an electronic device. They
14 do transfer heat. They can be made part of a
15 heat exchanger, but by themselves, they're simply
16 an electronic device.

17 Q. Okay. I'd like to introduce another
18 exhibit, Exhibit 9. It's U.S. Provisional
19 Application 61/033064.

20 (Whereupon, Exhibit 9, US
21 Provisional Patent Application 61/033064, was
22 marked for identification.)

1 BY MR. MEYER:

2 Q. All right. Mr. Smith-Gillespie,
3 have you reviewed this provisional patent
4 application before?

5 A. I have.

6 Q. Is a heat exchanger disclosed in
7 this provisional patent application?

8 MR. KLINE: Object to the form of
9 the question.

10 A. I do not see the term "heat
11 exchanger" used in this application.

12 BY MR. MEYER:

13 Q. Turn to paragraph 42. Paragraph 42
14 says, "As can be discerned in figure 6 and 7,
15 various surface features, 150, may be added to
16 improve heat dissipation from the plenum, 45.
17 These surface features, 150, provide more surface
18 area to radiate heat away from the gas within the
19 second gas chamber, 40. These features, 150, may
20 be positioned at numerous locations on the
21 surface of plenum, 45."

22 Does this paragraph 42 describe a

1 heat exchanger?

2 MR. KLINE: Object to the form of
3 the question.

4 A. More likely, defines a heat sink.
5 There's fins on the outsides of this cooling
6 chamber, 40, and it's just flat plate on the
7 other side. So the typical usage of -- of the
8 term "heat sink."

9 So what I'm seeing is 50 is -- 150,
10 item 150 is an array of heat sinks affixed to the
11 surface of rear cooling chamber, 40.

12 BY MR. MEYER:

13 Q. You say that the fins described in
14 paragraph 42 are not a heat exchanger, but
15 cooling element 32 from Karppanen are.

16 Can you explain how the fins
17 described in paragraph 42 are different from the
18 cooling element 32 in Karppanen?

19 A. So in Karppanen, we have a fin array
20 in an -- in an airflow area that is part of a fin
21 array that's in another airflow area. So the
22 close loop has a fin array inside of it that

1 captures the -- the heat from the air and
2 transfers it directly to the fin array in the
3 open loop.

4 MR. MEYER: Take a quick break?

5 MR. KLINE: Sure.

6 THE VIDEOGRAPHER: Time right now is
7 12:04 p.m. We're off the record.

8 (Whereupon, a lunch recess was
9 taken.)

10 THE VIDEOGRAPHER: Time right now is
11 1:01 p.m. We're back on the record.

12 BY MR. MEYER:

13 Q. Mr. Smith-Gillespie, let's turn to
14 paragraph -- actually, let's turn to page 303 of
15 your report.

16 (Reporter clarification.)

17 BY MR. MEYER:

18 Q. Of Mr. Smith-Gillespie's report.
19 Are you there, Mr. Smith-Gillespie?

20 A. I am here, yes.

21 Q. Okay. So at the top of page 303 of
22 your report, there is an annotated version of