

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

Before The Honorable Monica Bhattacharyya

Administrative Law Judge

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

REMOTE VIDEOTAPED DEPOSITION OF ROBERT

SMITH-GILLESPIE

February 10, 2023

8:22 a.m. (Pacific Standard Time)

Reported by: Eileen Mulvenna, CSR/RMR/CRR

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

1 REMOTE VIDEOTAPED DEPOSITION of
2 ROBERT SMITH-GILLESPIE, a witness on behalf of
3 Samsung Electronics Co., Ltd., Samsung Electronics
4 America, Inc., Samsung SDS Co. Ltd., and Samsung SDS
5 American, Inc., in the above-titled action, held on
6 Friday, February 10, 2023, commencing at
7 approximately 8:22 a.m. (Pacific Standard Time),
8 before Eileen Mulvenna, CSR/RMR/CRR/RDR, Certified
9 Shorthand Reporter, Registered Merit Reporter,
10 Certified Realtime Reporter, Registered Diplomat
11 Reporter, and Notary Public of the State of New
12 York.

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1 A P P E A R A N C E S:
2 DAVID A. REED, ESQUIRE
3 Attorneys for Manufacturing Resources International,
4 Inc.
5 Kilpatrick Townsend & Stockton LLP
6 1100 Peachtree Street NE, Suite 2800
7 Atlanta, Georgia 30309
8 404.815.6500
9 dreed@kilpatricktownsend.com
10
11 NAOMI L. BIRBACH, ESQUIRE
12 DENISE GO, ESQUIRE
13 Attorneys for Samsung Electronics Co., Ltd., Samsung
14 Electronics America, Inc., Samsung SDS Co. Ltd., and
15 Samsung SDS American, Inc.
16 Goodwin Procter LLP
17 The New York Times Building
18 620 Eighth Avenue
19 New York, New York 10018-1405
20 212.813.8800
21 nbirbach@goodwinlaw.com
22
23 -and-
24
25 DOUGLAS J. KLINE, ESQUIRE
26 100 Northern Avenue
27 Boston, Massachusetts 02210
28 617.570.1000
29 dkline@goodwinlaw.com
30
31 ALSO PRESENT:
32 Billy Fahnert, Videographer

1 I N D E X

2 WITNESS EXAMINATION BY PAGE

3 ROBERT SMITH-GILLESPIE

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5 MR. REED 6

6 E X H I B I T S

7 PAGE

8 Exhibit 1 No Bates number, LinkedIn 19

9 Profile

10 Exhibit 2 Bates Nos. RMX-009.001-042, 51

11 Declaration of Robert

12 Smith-Gillespie

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1 THE VIDEOGRAPHER: We are on the
2 record.

3 This is the remote video deposition of
4 Robert Smith-Gillespie In the Matter of
5 Certain Outdoor and Semi-Outdoor Electronic
6 Displays, Products Containing Same, and
7 Components Thereof, in the United States
8 International Trade Commission Washington,
9 D.C.

10 My name is Billy Fahnert. I am the
11 video technician today. The court reporter
12 is Eileen Mulvenna. We are here on behalf of
13 Digital Evidence Group.

14 Today's date is February 10, 2023.
15 The time is 8:22 a.m., Pacific Standard Time.

16 All parties have stipulated to the
17 witness being sworn in remotely.

18 Will counsel please identify
19 yourselves for the record, and then the
20 witness will be sworn in.

21 MR. REED: This is David Reed of the
22 law firm Kilpatrick Townsend & Stockton. I'm

1 here on behalf of the complainant, MRI.

2 MS. BIRBACH: Naomi Birbach from
3 Goodwin Procter on behalf of respondent. I'm
4 joined by Doug Kline and Denise Go of Goodwin
5 Procter, as well.

6 ROBERT SMITH-GILLESPIE,
7 having been duly sworn by Eileen Mulvenna,
8 a Notary Public of the State of New York,
9 was examined and testified as follows:

10 EXAMINATION

11 BY MR. REED:

12 Q. Good morning. Could you please state
13 your full name for the record?

14 A. Robert Smith-Gillespie.

15 Q. Thank you.

16 And can you provide your home address,
17 please?

18 A. 2790 Timber -- excuse me. 2790
19 Timberline Drive, Eugene, Oregon.

20 Q. Thank you.

21 And do you go by Mr. Smith-Gillespie
22 or Mr. Smith or Mr. Gillespie?

1 A. Mr. Smith-Gillespie.

2 Q. Right. Thank you.

3 Do you understand that you're here
4 testifying under oath the same as if you were
5 sitting in court?

6 A. I do.

7 Q. And is there any reason that you're
8 unable to give complete, honest, and truthful
9 testimony today?

10 A. There's not.

11 Q. Who's your current employer?

12 A. Alveo Technologies.

13 Q. Thank you.

14 And what is your current position?

15 A. Senior staff engineer.

16 Q. Mr. Smith-Gillespie, you've had your
17 deposition taken before; is that correct?

18 A. I have.

19 Q. About how many times?

20 A. I'd say at least 15 times.

21 Q. And have you been deposed virtually
22 before, like we're doing here today by Zoom?

1 A. That's correct.

2 Q. Okay. And are you basing your
3 opinions in this declaration and in this case on
4 your definition of a POSITA?

5 MS. BIRBACH: Objection, form.

6 MR. REED: Let me strike that.

7 BY MR. REED:

8 Q. Are you basing your opinions in this
9 case on your definition of a POSITA as set forth in
10 paragraph 28?

11 MS. BIRBACH: Objection to form.

12 THE WITNESS: Yes.

13 BY MR. REED:

14 Q. Okay. Your definition includes a
15 person with a bachelor's degree in a pertinent
16 discipline, such as mechanical engineering, physics,
17 product design, or a related field and two to
18 four years of experience in working with electronic
19 displays and having an understanding of product
20 design issues and failure modes associated with
21 electronic displays.

22 Did I read that correctly?

1 A. That's correct.

2 Q. When you refer to a degree in product
3 design, are you referring to a degree in industrial
4 design, or are you referring to some type of
5 engineering degree?

6 A. I would say product design is more of
7 an engineering-type discipline, which would be
8 inclusive of mechanical and electrical design.
9 There are degree programs like that.

10 Q. Okay. So you believe that a POSITA,
11 under your definition, would need to have some type
12 of engineering-type training and not -- not only a
13 degree in industrial design; is that correct?

14 A. Can you define for me your
15 understanding or usage of "industrial design"?

16 Q. Sure. I'm -- when I'm referring to
17 industrial design, I am referring to a degree
18 program that focuses on product form, aesthetics,
19 ergonomics, and the like.

20 Is that consistent with your
21 understanding of "industrial design"?

22 A. Yes, that's consistent with my

1 understanding of "industrial design," and that is
2 not what I meant by "product design" here.

3 Q. Okay. So an industrial designer, as
4 we just described, would not qualify based on that
5 educational background as a person of ordinary skill
6 in the art, under your definition; is that right?

7 A. That's correct.

8 Q. When you say understanding -- "have an
9 understanding of product design issues," what do you
10 mean by that?

11 A. How products are affected by both
12 their integration into higher level products and end
13 uses, so especially related to this particular
14 person of ordinary skill in the art. And it would
15 have something to do with display integration and
16 issues associated with, say, for instance, stresses
17 on displays, environments that they have to operate
18 in, that sort of thing.

19 Q. And when you say "understanding of
20 failure modes associated with electronic displays,"
21 what do you mean by that?

22 A. That would be inclusive of how --

1 items that impact the lifetime or performance of
2 displays, including vibration environments,
3 temperature impacts on electronics and their
4 performance, things such as protecting against EMC
5 and EMI interference with the display product, and
6 then also external electrical inputs. So anything
7 that could cause premature failure of displays.

8 Q. A person of ordinary skill in the art
9 would need to understand what causes premature
10 failures of electronic displays?

11 A. Correct.

12 Q. Okay. In the third sentence of
13 paragraph 28, that sentence reads, "To the extent
14 necessary, a POSITA would have been able to
15 collaborate with one or more other persons of skill
16 in another art (e.g., one of skill in the art of
17 electrical engineering) for one or more aspects with
18 which the other person may have expertise,
19 experience, and/or knowledge that was obtained
20 through her own education, industrial or academic
21 experience."

22 Did I read that right?