UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HONORABLE R. GARY KLAUSNER, JUDGE PRESIDING

GOTV STREAMING, LLC,	)	
Plaintiff,	)	
Vs.	)	No. CV22-07556-RGK
NETFLIX, INC.,	)	
Defendant.	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

DAY 2

LOS ANGELES, CALIFORNIA

WEDNESDAY, OCTOBER 18, 2023

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Netflix v. GoTV
IPR2023-00757
Netflix Ex. 1026

1 MR. ALAVI: Your Honor, we ask that Exhibit 551 be
2 received into evidence.
3 THE COURT: It will be received.
4 **(Exhibit 551 received)**
5 MR. ALAVI: Your Honor, plaintiffs called Dr. Sam
6 Malek.
7 THE COURT: Okay.
8 **Sam Malek, Plaintiff's witness, sworn**
9 THE CLERK: For the record please state your full
10 name and spell your last name.
11 THE WITNESS: My name is Sam Malek. Last name is
12 spelled M-a-l-e-k.
13 THE COURT: You may inquire, counsel.
14 **DIRECT EXAMINATION**
15 BY MR. ALAVI:
16 Q. Dr. Malek, why are you here to testify today?
17 A. Good afternoon. I was retained by GoTV Streaming to
18 evaluate their patents and determine if Netflix is infringing
19 those patents.
20 Q. To prepare for your testimony, did you assist in
21 preparing some slides?
22 A. Yes, I did.
23 Q. Dr. Malek, where do you currently work?
24 A. I'm a full professor with tenure at the University of
25 California Irvine.

1 well. So I have listed here all the limitations of claim 1
2 as well as claim 4.
3 Q. So let's turn to the highlighted claim element 1-A, a
4 method of generating content that is renderable by a wireless
5 device said method comprising. Is your analysis on this
6 element the same for all four platform?
7 A. It is the same for all platforms.
8 Q. Can you walk us through your analysis for this element.
9 A. Sure. So Netflix servers, the application running the
10 Netflix servers, generates content and generates data
11 information and sends that data information to wireless
12 devices, which are the client devices.
13 These could be smart TVs which, you know, all of
14 them are pretty much wireless devices, Android and iOS
15 devices, which are all wireless devices, or laptops and
16 computers, which, practically all of them are wireless
17 devices.
18 Q. Does it transmit that information from the server
19 application?
20 A. Yes, it does.
21 Q. So what do we do here for element 1-A?
22 A. This element is practiced. We can put a checkmark.
23 Q. What are you doing here with each of these elements with
24 these checkmarks?
25 A. I'm basically stepping through each limitation to

1 A. Yes. I would agree with that.
2 Q. Put another way, once a client has their custom
3 configuration and the compiled content, the client has
4 everything it needs from the server to render a page on the
5 client's screen, right?
6 A. Yes.
7 Q. Now, we've been using the phrase application, the
8 application in the claims. You remember that being there,
9 right?
10 A. Yes.
11 Q. And just again for clarity's sake, when you're talking
12 about the application, you're referring to the entire Netflix
13 back end and CDN, correct?
14 A. Well, the entire Netflix application, which includes the
15 back-end server application, yes.
16 Q. Well, let's be precise about this, sir. When you're
17 saying the application, you're talking about the entire
18 Netflix AWS back end and CDN, correct?
19 A. The Netflix application that is running on those
20 servers, yes.
21 Q. And it is not, for example, the Netflix app I have on my
22 phone, correct? That's not the application that we're
23 talking about?
24 A. I mean, that's part of the overall Netflix application,
25 but that is not what I'm pointing to for some of the claim

1 BY MR. ALAVI:
2 Q. This is the 2001 paper that you talked about in your
3 direct examination, correct?
4 A. Yes.
5 Q. You recognized in 2001, a long time ago, that there was
6 going to be a problem with getting the internet to mobile
7 devices, correct?
8 A. I don't know if I called it a problem, but I understood
9 it was a challenge. Yeah, it was -- it needed to be
10 addressed.
11 Q. Okay. And, Dr. Villasenor, just to be clear, you are
12 not offering any testimony today that GoTV's patents are
13 invalid, correct?
14 A. That's correct.
15 Q. Okay. You're not suggesting that the Netflix website
16 that had streaming invalidates the GoTV patents, correct?
17 A. That's correct.
18 Q. You're not even asserting that the Netflix streaming
19 service that went out in 2012 invalidates the patents,
20 correct?
21 A. That's correct.
22 Q. Because you understand that when you're looking at
23 invalidity, whether someone came up with the invention first,
24 you don't look at when a patent issues. You look at the
25 priority date of the patent, correct?