

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:	)	Investigation No.
CERTAIN INTEGRATED CIRCUITS,	)	337-TA-1350
COMPONENTS THEREOF, AND PRODUCTS	)	
CONTAINING THE SAME	)	

CONDENSED TRANSCRIPT WITH KEYWORD INDEX OPEN/CLOSED SESSIONS

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REALTEK EXHIBIT 2004
AMD v. Realtek
IPR2023-00788

821 1 UNITED STATES INTERNATIONAL TRADE COMMISSION 2 Washington, D.C. 3 BEFORE THE HONORABLE CAMERON R. ELLIOT 4 Administrative Law Judge 5 6 In the Matter of:) Investigation No. 7 CERTAIN INTEGRATED CIRCUITS,) 337-TA-1350 8 COMPONENTS THEREOF, AND PRODUCTS) 9 CONTAINING THE SAME) 10 11 12 13 International Trade Commission 14 500 E Street, S.W. 15 Washington, D.C. 16 17 Thursday, October 19, 2023 18 19 EVIDENTIARY HEARING - Volume IV 20 21 The Evidentiary Hearing commenced in Courtroom A, 22 pursuant to the notice of the Judge, at 9:00 a.m. Eastern. 23 24 25 Reported by: Karen Brynteson, RMR, CRR, FAPR	823 1 APPEARANCES (Continued): 2 For Complainant Realtek Semiconductor Corporation: 3 4 ERIK J. HALVERSON, ESQ. 5 K&L Gates LLP 6 Four Embarcadero Center, Suite 1200 7 San Francisco, CA 94111 8 9 ANTHONY ROTOLO, ESQ. 10 K&L Gates LLP 11 210 Sixth Avenue 12 Pittsburgh, PA 15222 13 14 15 16 17 18 19 20 21 22 23 24 25
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826 1 APPEARANCES (Continued): 2 3 ATTORNEY ADVISOR: 4 MICHAEL TURNER, Esq. 5 Attorney-Advisor 6 U.S. International Trade Commission 7 500 E Street, S.W. 8 Washington, D.C. 20436 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	828 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

1021 1 MS. WEISKOPF: Nothing further. 2 JUDGE ELLIOT: Very well. Mr. Ferguson, 3 anything? 4 MR. FERGUSON: Nothing further, Your Honor. 5 Thank you. 6 JUDGE ELLIOT: Very well. 7 Dr. Subramanian, thank you very much. 8 Let's come back at 3:20, 3:20. 9 (The witness stood down.) 10 (A recess was taken at 2:58 p.m., after which 11 the proceedings resumed at 3:20 p.m.) 12 JUDGE ELLIOT: Have a seat. 13 Whereupon-- 14 PAUL PRUCNAL, 15 having been previously duly sworn/affirmed, was examined 16 and testified as follows: 17 18 JUDGE ELLIOT: Dr. Prucnal, let me remind you, 19 you are still under oath. 20 THE WITNESS: Yes, sir. 21 DIRECT EXAMINATION 22 BY MR. FERGUSON: 23 Q. Good afternoon, Dr. Prucnal. 24 A. Good afternoon. 25 Q. You are here this afternoon to talk about the	1023 1 for invalidity, including the prior art that I just 2 mentioned, some of the background on the prior art, as well 3 as the prior art status. 4 Q. Okay. And what level of ordinary skill in the 5 art have you applied for the '582 patent in doing your 6 analysis? And this is on slide 5. 7 A. That would be a Bachelor's degree in electrical 8 engineering or an equivalent field, with several years of 9 experience beyond that in IC design, or trading off 10 additional education against fewer years of experience or a 11 Ph.D. in electrical engineering. 12 Q. And do you believe you're able to offer 13 testimony regarding how a person of ordinary skill in the 14 art would understand the issues with respect to the '582 15 patent? 16 A. Yes. 17 Q. I would like to do -- move to a couple of slides 18 that just discuss your understanding of the background of 19 what is covered by the '582 patent and what existed before 20 the '582 patent. 21 So if we turn to slide 6, first of all, what is 22 shown on the left with respect to LC resonant circuits? 23 A. What is shown where? I'm sorry. 24 Q. On the left. 25 A. Oh, on the left? So on the left we see the
1022 1 '582 patent; is that right? 2 A. Yes. 3 Q. Did you help us prepare some demonstratives to 4 help us guide your testimony? 5 A. Yes. 6 Q. Let's move to RDX-1.2. Can you provide us just 7 a summary of what your opinions that you will be expressing 8 today are? 9 A. Yes, that the asserted claims of 1, 2, and 4 are 10 invalid as anticipated or rendered obvious by the three 11 prior art references shown, that the asserted claims are 12 invalid as lacking in written description, and that none of 13 the AMD products or the domestic industry products infringe 14 or practice the asserted claims. 15 Q. Thank you. 16 MR. FERGUSON: And I apologize, Your Honor, I 17 said RDX-1. A few of these slides are labeled RDX-1. 18 These should be all RDX-4. It looks like it is the first 19 couple that have this problem. So these are RDX-4, .2 he 20 was just testifying to. Of course, we will correct that. 21 JUDGE ELLIOT: Very well. 22 BY MR. FERGUSON: 23 Q. And turning to RDX-4.3, can you just briefly 24 summarize what's shown on this slide? 25 A. Yes. These are the materials that I considered	1024 1 background from the patent. And it says that the 2 background in the technical field includes LC resonant 3 circuits. LC resonant circuits were used in voltage 4 controlled oscillators, for example. 5 Q. And then if we look over on the right, what do 6 you have depicted on slide 6? 7 A. Well, this is from a reference going back to 8 April 1985 that talks about resonant circuits and tuning 9 methods. And we see at the inset a couple of LC circuits 10 that could be used as resonant circuits. 11 Q. And in the figure there, which is labeled A, 12 there is a C with a line, an arrow slash through it. What 13 does that mean? 14 A. That is a variable capacitor. Here we have both 15 an L and a C and the capacitor can be tuned. And when the 16 capacitor is tuned, that tunes the resonance of the 17 circuit. 18 Q. This is in the context of a radio. So how would 19 that work with respect to using an LC resonant circuit in a 20 radio? 21 A. Well, for example, this would be the knob you 22 turn on your radio in order to tune the radio dial. I 23 guess they no longer work exactly that way but essentially 24 the same thing. 25 Q. I remember them. Let's turn to RDX-4.7. And

1081 1 interdigitated finger capacitor. And we can see more of 2 the details of what that would look like by looking at 3 Niknejad. 4 And here is a figure from Niknejad's book on the 5 right-hand side, Figure 311. And the caption says that 6 this is showing the layout geometry of a finger or a comb 7 capacitor structure. 8 This looks very much like what we have been 9 talking about and what Muh would envision. And I have 10 identified here where the electrode segments are and where 11 the first and second connecting segments are. 12 Q. And are the electrode -- how are the electrode 13 segments arranged with respect to the position or 14 orientation of the connecting segments? 15 A. They are oriented laterally, which is to say 16 that the electrode segments are perpendicular to the 17 connecting segments. 18 Q. Then let's continue on and discuss the specifics 19 regarding the capacitor component and how it is arranged 20 with respect to the extension-conductor segments. 21 What do we see on slide 61 regarding that issue? 22 A. Well, first of all, Muh says that we could use 23 this finger capacitor instead of the parallel plate 24 capacitor. And it would logically be put in the same place 25 under the first insulation layer.	1083 1 capacitor component is arranged outward to the 2 coil-conductor segment and not substantially overlapped 3 therewith? 4 A. Yes. 5 Q. And are the -- in that arrangement, would the 6 connecting segments of the finger capacitor be overlapped 7 with the extension-conductor segments as the claim 8 requires? 9 A. Yes, they would. 10 Q. All right. Do you have an opinion regarding 11 whether it would have been obvious to a person of ordinary 12 skill in the art to combine the teachings of Muh and 13 Niknejad? 14 A. Yes, I think it would be obvious to teach -- to 15 combine those two teachings. 16 Q. Let's move to slide 62. 17 And can you explain your opinions regarding why 18 it would have been obvious to do so? 19 A. Yes. So we have been looking at what I believe 20 is a Master's thesis from Matthew Muh. And Ali Niknejad 21 was his research advisor. So naturally someone who is 22 looking at this Master's thesis by Muh where he describes a 23 finger capacitor, if they wanted to know more about his 24 structure, might look to the teachings of his professor. 25 And here we show on the right-hand side a book
1082 1 And it could be oriented in various ways, but 2 one way that it could be arranged would be with the 3 orientation that I show here, where it is effectively slid 4 under to meet the position of the parallel plate capacitor 5 that is shown there. 6 And in doing so, depending upon the amount of 7 capacitance required, this finger capacitor could extend, 8 you know, to the left further into the region where the 9 extension segments are. 10 Q. Now, you indicated there could be different 11 variations of how the Muh or how the Niknejad capacitor 12 could be arranged, if substituted for the parallel plate 13 capacitor. 14 Do you have an opinion regarding what would be 15 the most logical way to do that? 16 A. Well, I think this is at least a way of doing it 17 and perhaps the most logical way. Another way it could be 18 arranged would be having it perpendicular to this 19 direction, but I think to the extent that one wanted to 20 have a large finger capacitor, you know, it makes sense to 21 extend it inward. But either would be possible and either 22 would be obvious. 23 Q. And with respect to the combined teachings of 24 Muh and Niknejad, using the finger capacitor, would the 25 limitations of the claim be met regarding whether the	1084 1 by Niknejad that has this structure in it. 2 Q. Let's move on to slide 63. 3 And can you explain what is shown on slide 63 4 with respect to your opinions regarding whether it would 5 have been obvious to a POSITA to combine the Muh and 6 Niknejad references? 7 A. Well, first of all, Muh actually teaches using 8 this multilayer finger capacitor. So he says that the 9 finger capacitor is there. And so, therefore, it would 10 make sense for someone of ordinary skill, if they wanted to 11 find out more detail, to look for references that are 12 similar. 13 And, as I said, Niknejad does disclose this type 14 of finger capacitor. And, in fact, he says that the finger 15 -- in the inset below, he says that the finger capacitor 16 can be easily fabricated in any modern CMOS process, so it 17 would be favorable to use a finger capacitor in place of 18 the parallel plate capacitor. 19 He also indicates that the fingers can be 20 implemented in metal layers stacked on top of each other, 21 very much like the vertical parallel plate capacitor. And 22 in a figure at the right-hand side, we can see what he is 23 talking about. 24 There is the top-down of the finger capacitor on 25 the left-hand side. But then if we actually look at the

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1103 1 APPEARANCES (Continued): 2 3 ATTORNEY ADVISOR: 4 MICHAEL TURNER, Esq. 5 Attorney-Advisor 6 U.S. International Trade Commission 7 500 E Street, S.W. 8 Washington, D.C. 20436 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1105 1 you for that. Looks like everything is under control. And 2 I think we can just go ahead. 3 MR. FERGUSON: Thank you, Your Honor. And we 4 can go on the public record for some of this. 5 JUDGE ELLIOT: Very well. 6 DIRECT EXAMINATION -- Resumed 7 BY MR. FERGUSON: 8 Q. Good morning, Dr. Prucnal. 9 A. Good morning. 10 Q. Let's start with your opinions regarding whether 11 you believe the asserted claims of the '582 patent are 12 infringed. And do you have an opinion in that regard? 13 A. Yes, that they are not infringed. 14 Q. Let's move to reason number 1. And what is your 15 opinion regarding whether the AMD products have the claimed 16 capacitor component corresponding to the first region as 17 claimed? 18 A. My opinion is that they do not. 19 Q. And what do we see on slide -- RDX-4.69 20 regarding this portion of your opinion? 21 A. Well, first of all, claim 1 requires that the 22 capacitor component be arranged corresponding to the first 23 region. And the claim defines the first region by the two 24 extension-conductor segments and the coil-conductor 25 segment. That's shown by the region 120 shown in Figure 6

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1134 1 Q. Yeah. And there will be a connecting segment on 2 the left and a connecting segment on the right. Is that 3 fair to say? 4 A. No, I think you misspoke. 5 Q. On the finger capacitors we're talking about, 6 there is a connecting segment on the left, connecting -- 7 fingers and a connecting segment on the right. 8 A. I'm sorry, I understood you to say extension 9 segment. 10 Q. I did not. I said connecting segment. 11 A. Okay. 12 Q. Can you answer my question? 13 A. Yes, there's a connecting segment on the left 14 and a connecting segment on the right. 15 Q. So you would agree that constructing a finger 16 capacitor with a smaller finger resistance would be better 17 for higher Q factor capacitor; is that fair to say? 18 A. Well, as I think I saw in a couple of the quotes 19 that you just showed me, there are a number of 20 considerations to increasing the Q factor, and one of those 21 might be decreasing the series resistance. But one 22 wouldn't simply do that in order to improve the Q. One 23 would be trading off the capacitance wired for the 24 particular design. 25 Q. But, in general, it's beneficial to decrease the	1136 1 them, that are in the yellow boxes. Is that fair to say? 2 A. Yes. 3 Q. And then you also talked about the upper two 4 capacitor components as well. Is that fair to say? 5 A. Yes. There are two directly above the yellow 6 boxes that I considered. 7 Q. And in the bottom of this photo on 27, there are 8 two other capacitor components. Do you see those? 9 A. Yes, I see those. 10 Q. And you didn't talk about those during your 11 testimony here at the hearing, but you did discuss them in 12 your report. Is that fair to say? 13 A. I did not talk about them in the hearing, and I 14 don't recall discussing them in my report. I don't recall 15 what I said about them in my report. 16 Q. Well, let's look at RX-1288C.111, which is page 17 108 of your report on invalidity. 18 So you'd agree, sir, here that on the bottom, 19 those are the lower set of capacitor components we were 20 just looking at. Is that fair to say? 21 A. It looks like it might be it. As I said, I 22 don't recall this portion in my report. To answer your 23 question, I would need to look at where I discuss this. 24 Q. All right. Let's look at RX-1288C.97, which is 25 page 94 of your report.
1135 1 finger resistance, to get a higher Q. Is that fair to say? 2 A. If one could decrease the finger resistance, 3 that would be favorable. However, it would have to be done 4 within the design constraints of the LC circuit to achieve 5 the capacitance that is required. 6 Q. And you'd agree, sir, that you want to reduce 7 the inductance of the fingers, correct? 8 A. Well, when this is modeled, the inductance of 9 the loop is the primary source of inductance in the LC 10 circuit. There could be an ancillary inductance from the 11 fingers. I would say those would be taken into account in 12 the design. 13 Q. And you'd want to try to minimize that 14 inductance because the inductance would cancel out some of 15 the capacitance; is that fair to say? 16 A. I don't know that that's necessarily true. 17 Q. But you haven't thought about it one way or the 18 other? 19 A. Whether the inductance of the capacitor would 20 cancel out its capacitance? No, it wouldn't cancel out 21 capacitance. It would still have the capacitance that it 22 had. It might change the impedance of the inductor. 23 Q. Let's go to your slide 27. 24 Now, during your testimony on direct, you talked 25 about the two middle capacitor components, as you call	1137 1 And you recognize this, sir, as the image from 2 the slide we were just looking at; is that right? 3 A. Yes. This is the slide we were just looking at. 4 This is the -- 5 Q. And what we're calling the bottom two capacitor 6 components are also on the bottom of this image on the 7 screen. Is that fair to say? 8 A. Yes. I point to the bottom capacitor components 9 as well. 10 Q. And you point to those bottom capacitor 11 components as exemplary capacitor components in your 12 report, correct? 13 A. Yes. 14 Q. Okay. So now let's go back to RX-1288C.111, 15 page 108 of your report. And here, sir, for one of the 16 bottom two capacitor components, you're identifying the 17 first connecting segment, the electrode segments, and what 18 you identify as a second and a third connecting segment, 19 correct? 20 A. And a third connecting segment between them, 21 yes. 22 Q. So it's fair to say you analyzed these bottom 23 capacitor components as part of your report, correct? 24 A. As I said, I don't recall my discussion of this, 25 so I don't know the extent to which I analyzed it or just

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1150 1 you to look at the -- would you mind going back to the last 2 one that shows the larger view? Because it shows where 3 this cross-section is taken. 4 Q. Sure. Let's go back to slide 46. 5 A. Yeah, so the yellow dashed line shows where the 6 cross-section is taken that we were just looking at. And 7 so although I agree that there are fingers extending out 8 from the connecting segment shown at the bottom, that 9 dashed line was probably taken between the fingers, so that 10 when you look at it, you know, you don't actually see the 11 fingers extending from this connecting segment. It's a 12 vertical slice that fell between the teeth of the comb or 13 the fingers, if you will. 14 Q. So referencing your slide 46, you'd agree that 15 what we see in the cross-section is we see these vertical 16 lines. Those correspond to these lines (indicating) that 17 we see on the cross-section above it; is that fair to say? 18 A. Well, I generally agree. I'd like to be a 19 little more careful about how you say that. What we see in 20 the cross-section at the dashed yellow line, in the middle 21 slide as that dashed yellow line goes across, there are 22 vertical connecting segments. They're sort of brown-ish. 23 And so that's what we see where the dashed yellow line 24 crosses the vertical connecting segment. That's the 25 connecting segment that we see in the lower slide on the	1152 1 Q. And that's true of M3 and M2, correct? 2 A. Yeah, so we see, looking at the lower 3 photograph, from M3 there are vias coming down to M2. And 4 I don't recall what the layout of the fingers are on M2. 5 But we don't -- we don't see them where this cross-section 6 is taken. 7 Q. Sir, just a couple of quick questions about the 8 capacitor component. 9 You would agree that there's a limit to what can 10 be connected to a capacitor and still be considered part of 11 the capacitor, correct? 12 A. Oh, I don't think I've analyzed that. 13 Q. Let's go to your deposition, JX-21C at 136, 7 to 14 20. 15 So do you see, sir, I asked you: "So the reason 16 they appear circular here to me -- you say a structure is 17 not part of any capacitor component, then it cannot be a 18 connecting segment. So what is part of a capacitor 19 component other than connecting segments and electrode 20 segments?" 21 There's an objection. Then you said: "I'm 22 trying to say there's a limit to what can be connected to 23 the capacitor component" -- excuse me -- "to the capacitor 24 and still be considered to be part of the capacitor. In 25 other words, something that's connected far away wouldn't
1151 1 right-hand side. 2 Q. And those in the middle image on your slide 46, 3 what we do see, those pieces of metal, we refer to those as 4 the paper clips because they are sort of -- they twist 5 around. Is that -- do you understand what I'm talking 6 about? These actually have a curved shape. 7 A. I'm not sure what you mean by "the paperclip." 8 Q. Okay. That's fine. 9 Regardless, we do see -- we see what you're 10 identifying as these connecting segments. We see those in 11 the cross-section. Correct? 12 A. Yes. So do you mean by "the paperclip" that 13 the -- if you look down at the top of this entire finger 14 capacitor that the connecting segment goes up, has fingers, 15 and then comes back down in the middle, then goes up again? 16 Q. Yeah, the structure does do that. It goes up 17 and down. That's what we mean by "the paperclip." Do you 18 understand that? 19 A. Yeah, I think you can see the -- I think you can 20 see the cross-section of that middle portion of the 21 connecting segments sort of -- kind of aligned above, above 22 it, if you will. 23 Q. Well, what we don't see is any evidence in the 24 cross-section of any fingers. Is that fair to say? 25 A. We don't.	1153 1 be considered to be part of the capacitor." 2 Did I read that correctly? 3 A. Yes. That's what I was I saying before, that if 4 you have a capacitor, you can't arbitrarily have everything 5 connected to it -- everything that's connected to it in the 6 circuit also be the capacitor component. 7 Q. Dr. Prucnal, have you ever heard of a MARC 8 record, M-A-R-C? 9 A. A MARC record? 10 Q. Yes. 11 A. I don't recall ever hearing that term. 12 Q. Dr. Prucnal, thank you so much for your time. 13 A. Thank you. 14 MR. ANGELIS: I pass the witness. 15 REDIRECT EXAMINATION 16 BY MR. FERGUSON: 17 Q. All right, Dr. Prucnal. We're going to start 18 with -- I'd like to start with slide 36 of your 19 demonstrative, so that's RDX-4.56. 20 And do you recall being asked questions about 21 the RFR6122 by Mr. Angelis? 22 A. Yes. 23 Q. Now, you were asked some questions about the 24 various capacitors. What do we see on slide 36 and, in 25 particular, regarding the boxes that are circled in or that

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1186 1 are correct and accurate. 2 Q. And what is your opinion regarding the 3 authenticity of the documents? 4 A. I believe them to be complete, authentic, and 5 correct. 6 Q. And I believe Mr. Ferguson has just -- 7 Mr. Wilson, would you please pull up RX-1770.2. 8 I have a few more questions about a real live 9 example of a MARC record. 10 1770.2. This is RX-1770.2. 11 A. Okay. Yes. Thank you. 12 Q. And is this an example of a MARC record? 13 A. Yes, it is. 14 Q. And can you tell which of the publications we 15 just discussed this MARC record relates to? 16 A. The item, what do you want to know? 17 Q. So if you look at field 245, is that the title 18 of the publication this relates to? 19 A. 245, sub-field A, which dollar sign A, is the 20 title of the item, sub-field B is a subtitle for the item, 21 and sub-field C is the name of the creator. 22 Q. And what is -- who is the name of the creator? 23 A. The creator appears in the field 100. It is a 24 gentleman named Matthew Muh, M-u-h, last name. 25 Q. Is this the MARC record that corresponds to the	1188 1 A. Good morning. 2 Q. You would agree that it's important to establish 3 that a document is a real document when using that document 4 for a legal matter, right? 5 A. Yes. 6 Q. And you want to make sure that you're not using 7 the wrong version? 8 A. Yes. 9 Q. And you do that so that you can get as close to 10 what was actually available on the date that you believed 11 to be the correct date for prior art purposes, right? 12 A. Yes. 13 Q. You don't have an undergraduate degree in 14 electrical engineering, do you? 15 A. No. 16 Q. You don't have a Master's degree in electrical 17 engineering? 18 A. No. 19 Q. You don't have a Ph.D. in electrical 20 engineering? 21 A. No. 22 Q. You have never designed an integrated circuit? 23 A. No. 24 Q. You don't have any experience designing, 25 developing, or testing power distribution networks, do you?
1187 1 Muh thesis that we discussed earlier? 2 A. Yes. If you look at field 500, you will see 3 that it is associated with a Master of Science degree 4 program, Plan II at that university. 5 Q. And did I recall you testifying earlier that 6 field 008 is the creation date of the MARC record? 7 A. Yes. 8 Q. And do you see that date here on this MARC 9 record? 10 A. I do. 11 Q. And what is the creation date of this MARC 12 record? 13 A. This was July 8th, 2005. 14 Q. And does that correspond to the opinion you gave 15 earlier that the Muh thesis was publicly available on July 16 8th, 2005? 17 A. I believe it does. 18 MR. LEWIS: Pass the witness, Your Honor. 19 JUDGE ELLIOT: Sir, can you note your 20 appearance, please. 21 MR. HALVERSON: Erik Halverson. 22 THE WITNESS: All right. 23 CROSS-EXAMINATION 24 BY MR. HALVERSON: 25 Q. Good morning, Dr. Hall-Ellis.	1189 1 A. No. 2 Q. And you offer your opinions today without any 3 regard to what the patents involved in this case are; is 4 that right? 5 A. I don't need to do that. 6 Q. In fact, you didn't see a need to look at the 7 patents, did you? 8 A. No. 9 Q. So your opinions remain the same, irrespective 10 of the subject matter of any of the patents in this case; 11 is that right? 12 A. Yes. 13 Q. You would agree that indexing by subject 14 headings is necessary to perform a subject search, right? 15 A. It is customary, yes. 16 Q. And, in fact, it's necessary to find an item if 17 you are doing a subject search; is that right? 18 A. I think that's a little broad. 19 Q. We might need that. Can you go to page 35, 20 lines 12 through 16 and the answer continues from there. I 21 asked you in your deposition: Do you remember having your 22 deposition taken in this case? 23 A. Yes, I do. 24 Q. We had a charming conversation together? 25 A. We did.

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1190 1 Q. So I asked you: 2 "Question: What is indexing?" 3 And you responded that: 4 "Answer: Indexing from our point of view is the 5 assignment of subject headings that are necessary to find 6 the item if, in fact, it is done by a subject search." 7 A. Yes. 8 Q. Is that right? 9 A. Yes. 10 Q. And that's because someone seeking an article on 11 a topic may not know the scope of work that contains 12 information about that topic, right? 13 A. That's true. 14 Q. And if there is an error in that subject matter 15 indexing, that would impact how findable a work is; is that 16 right? 17 A. I would not go that far. 18 Q. Do you want to go back to page 40 in that? And 19 the question is actually on the other page. Can we put up 20 39 as well. 21 A. Okay. 22 Q. And so do you recall in your deposition we were 23 talking about cataloguers? 24 A. Absolutely. 25 Q. So I asked who are the cataloguers?	1192 1 talked about that on direct examination? 2 A. Yes, indeed. 3 Q. And you first received a copy of the Muh 4 reference from counsel, right? 5 A. I did. 6 Q. And you used that copy to find the copy that you 7 eventually pulled from U.C. Berkeley; is that right? 8 A. I used that copy to identify the bibliographic 9 citation, which I then used to get my own copy from 10 Berkeley, yes. 11 MR. HALVERSON: No further questions. 12 MR. LEWIS: Nothing further from us. 13 JUDGE ELLIOT: Very well. Dr. Hall-Ellis, thank 14 you very much. 15 THE WITNESS: Thank you, sir. 16 (The witness stood down.) 17 MR. FERGUSON: Your Honor, Respondent AMD rests 18 its case. 19 JUDGE ELLIOT: Very well. Ma'am, I need to 20 swear you in. I'm sorry. Give me a moment. I am 21 distracted. (Interpreter sworn.) 22 THE INTERPRETER: Yes, I do. 23 Whereupon-- 24 KAI-YI HUANG, 25 having been first duly sworn/affirmed, was examined and
1191 1 A. Yes. 2 Q. At 23, right? 3 A. Yes, you did. 4 Q. And you responded: "At a place like this, 5 cataloguers are people with at least one Master's Degree in 6 library information, science, frequently a second Master's 7 Degree in the discipline in which they work, engineering, 8 literature, whatever, and people with a great deal of 9 experience. 10 "At the Library of Congress, for example, you 11 can't make a record on your own until you've been there for 12 at least five years. Because if you make an error, 13 indexing doesn't work properly, the item is not as findable 14 and we can't have that." 15 Did I read that correctly? 16 A. You did. 17 Q. You're familiar with the concept of MARC 18 records, right, M-A-R-C? 19 A. Oh, yes. 20 Q. And MARC records don't provide evidence of when 21 a specific issue of a serial journal publication was 22 received by the library; is that right? 23 A. It is not the purpose of the MARC record to do 24 that, so it does not do it. 25 Q. You're familiar with the Muh reference? We	1193 1 testified through the interpreter as follows: 2 3 THE WITNESS: Yes. 4 MR. ENGEL: Jason Engel on behalf of the 5 Complainant. We're calling Mr. Kai-Yi Huang to the stand. 6 This will be on the Realtek confidential record. 7 THE WITNESS: Very well. 8 (Whereupon, the hearing proceeded in 9 confidential session.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25