1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 TEXARKANA DIVISION

4 MAXELL, LTD.,)(
PLAINTIFF,)(CIVIL ACTION NO.
5)(5:23-CV-92-RWS
VS.)(TEXARKANA, TEXAS
6)(
SAMSUNG ELECTRONICS CO., LTD.,)(
7 and SAMSUNG ELECTRONICS)(MAY 19, 2025
AMERICA, INC.,)(8:39 A.M.
8 DEFENDANTS.)(

9

10 JURY TRIAL TRANSCRIPT

11 BEFORE THE HONORABLE ROBERT W. SCHROEDER III

12 UNITED STATES DISTRICT JUDGE

13 VOLUME 1

14

15 FOR PLAINTIFF: Mr. Jamie B. Beaber
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25

1 P R O C E E D I N G S

08:34:50
08:35:15 2 (Venire panel out.)

08:35:15 3 THE COURT: All right. Be seated.

08:39:08 4 All right. Ms. Combs, if you would, call the case

08:39:14 5 for us.

08:39:15 6 COURTROOM DEPUTY: Cause No. 5:23-CV-92, Maxell,

08:39:21 7 Limited versus Samsung Electronics Company, Limited, et al.

08:39:23 8 THE COURT: Announcements for the record?

08:39:25 9 MR. CULBERTSON: Good morning, Your Honor. Geoff

08:39:29 10 Culbertson for Maxell. Would you like me to make

08:39:33 11 introductions now or --

08:39:33 12 THE COURT: Sure.

08:39:34 13 MR. CULBERTSON: Okay. So at counsel table, Jamie

08:39:37 14 Beaber --

08:39:37 15 MR. BEABER: Good morning, Your Honor --

08:39:37 16 THE COURT: Good morning.

08:39:39 17 MR. CULBERTSON: -- Alan Grimaldi, Kfir Levy --

08:39:39 18 MR. LEVY: Good morning.

08:39:43 19 MR. CULBERTSON: -- Tripp Fussell --

08:39:43 20 THE COURT: Hello.

08:39:45 21 MR. CULBERTSON: -- and this is Bill Vernon who is

08:39:47 22 helping us with jury selection today.

08:39:51 23 THE COURT: Hi. Good morning.

08:39:51 24 MR. CULBERTSON: We're ready to proceed.

08:39:52 25 THE COURT: Very well.

08:39:52 1 MR. CULBERTSON: Thank you.
08:39:53 2 MS. SMITH: Good morning, Your Honor.
08:39:53 3 THE COURT: Good morning.
08:39:54 4 MS. SMITH: Melissa Smith for Samsung.
08:39:55 5 I'm joined by our lead counsel, Mr. Mark Fowler --
08:39:59 6 MR. FOWLER: Good morning, Your Honor.
08:40:01 7 THE COURT: Hello.
08:40:01 8 MS. SMITH: -- Ms. Erin Gibson --
08:40:01 9 MS. GIBSON: Good morning.
08:40:01 10 THE COURT: Hi.
08:40:03 11 MS. SMITH: -- our corporate representative,
08:40:06 12 Mr. Brant Bedford.
08:40:06 13 THE COURT: Good morning.
08:40:07 14 MS. SMITH: We're also joined by some folks that
08:40:09 15 are going to be helping us with jury selections, Ms. Jamie
08:40:09 16 Laird --
08:40:09 17 THE COURT: Hi.
08:40:12 18 MS. SMITH: -- and Mr. Mike Collins.
08:40:12 19 THE COURT: Hello.
08:40:14 20 MS. SMITH: And later on we'll be joined by
08:40:17 21 Mr. Sean Cunningham, as well.
08:40:20 22 THE COURT: Very good.
08:40:23 23 MS. SMITH: Thank you, Your Honor.
08:40:23 24 THE COURT: Good. Okay. I think we are ready.
08:40:24 25 The panel is here and is being qualified at this time.

08:40:28 1 I would expect a little bit after 9:00, they will
08:40:34 2 be ready to go. I know that there was at least an issue or
08:40:42 3 two that arose overnight, which I think the parties want to
08:40:51 4 go ahead and address now before voir dire, which is fine.
08:40:53 5 So whoever wants to present on those -- those
08:41:01 6 issues may do so.
08:41:03 7 MR. FOWLER: Thank you, Your Honor. Mark Fowler
08:41:03 8 for Samsung.
08:41:04 9 We have -- this is in two buckets. There are a
08:41:09 10 few slides in the opening statement of Maxell that we have
08:41:12 11 some issues with, and then also for the exhibits and
08:41:16 12 demonstratives for Mr. Yamamoto, who will be their first
08:41:16 13 witness. I'd like to address the first two slides, and
08:41:24 14 then Ms. Gibson, with your permission, will address the
08:41:25 15 rest of them which pertain to damages issues.
08:41:27 16 THE COURT: Sure.
08:41:28 17 MR. FOWLER: So if we could pull up, Mr. Splansky,
08:41:31 18 Maxell Opening Slide 12.
08:41:33 19 So, Your Honor, there are two sets of objections
08:41:35 20 with respect to this slide. The first has to do with the
08:41:39 21 first four bullet points, which presumably will be in bold
08:41:43 22 if this is a build slide.
08:41:45 23 And our first objection is that this is a
08:41:48 24 violation of agreed MIL No. 7, which states that, among
08:41:53 25 other things, the parties shall be precluded from

11:53:52 1 experience --
11:53:53 2 POTENTIAL JUROR: I'm old.
11:53:54 3 MS. SMITH: Tell me about that.
11:53:55 4 POTENTIAL JUROR: Why I recognize the brand?
11:53:57 5 MS. SMITH: Yes, sir.
11:53:59 6 POTENTIAL JUROR: Yeah, just grew up -- in the
11:54:01 7 days of cassettes, we had lots and lots of cassettes
11:54:05 8 that -- made our mixed tapes on Maxell tapes, and so we've
11:54:09 9 used their products, VCR tapes and things, you know, those
11:54:13 10 that remember those things.
11:54:14 11 MS. SMITH: I do.
11:54:15 12 POTENTIAL JUROR: So, yeah, yeah. So I used their
11:54:16 13 products my whole life growing up.
11:54:18 14 MS. SMITH: Well, you used their products your
11:54:21 15 whole life, anything about that that should cause me
11:54:24 16 concern being on the opposite side of the courtroom from
11:54:26 17 them?
11:54:26 18 POTENTIAL JUROR: No, no. I would try to weigh
11:54:28 19 the evidence equally no matter what.
11:54:31 20 MS. SMITH: Thank you, sir.
11:54:33 21 POTENTIAL JUROR: Okay.
11:54:34 22 MS. SMITH: I saw some other hands of some folks
11:54:36 23 that had -- had some experience, had been to Japan. A
11:54:40 24 little bit different question so we can cut to the chase
11:54:43 25 because you know where I'm headed with this. For the rest

03:19:23 1 of Samsung products. But just reading from the top, it
03:19:26 2 says all Samsung Galaxy smartphones and tablet models sold
03:19:32 3 after 7/7/2021.
03:19:35 4 And, fortunately, the parties agree in this case
03:19:39 5 that the Samsung Galaxy S23 is a representative product.
03:19:45 6 So what that means is that if the jury should find that the
03:19:50 7 S23 infringes, then all these models should be found to
03:19:53 8 infringe.
03:19:54 9 Q. Is there any particular functionality in the Samsung
03:19:58 10 Galaxy S23 that you analyzed?
03:19:59 11 A. Yes. In particular, for the -- for Claim 1, I analyzed
03:20:07 12 the Samsung Gallery app, and for Claims 21 and 24, I
03:20:12 13 analyzed the pre-installed Netflix app.
03:20:15 14 Q. And how are the claims related to these apps?
03:20:19 15 A. Well, the claimed inventions of the '815 are actually
03:20:26 16 critical to the implementation of personalized user
03:20:28 17 experiences in the Samsung Gallery and the Netflix
03:20:33 18 applications on S23. The claims here cover many important
03:20:44 19 aspects of how the user interface and user interaction of
03:20:49 20 these applications work.
03:20:49 21 Q. What components in the S23 implement these
03:20:51 22 functionalities?
03:20:52 23 A. So there are a number of components, but they're sort
03:20:57 24 of the components that you would expect of a device such as
03:21:01 25 the S23. You require that device can communicate with

03:21:09 1 other devices. So circuits like Bluetooth, WiFi, and
03:21:11 2 cellular circuits that can be used for wireless data
03:21:14 3 communication.
03:21:14 4 The device needs to communicate with users, so a
03:21:19 5 touchscreen to take input from a user, a display to provide
03:21:23 6 visual output to a user, storage and memory for storing
03:21:27 7 videos and applications, the ability to remember. And
03:21:31 8 finally a central processing unit, CPU, a processor that
03:21:35 9 controls many of the functions of the smartphone -- of the
03:21:40 10 S23.
03:21:40 11 Q. Thanks for providing that explanation.
03:21:43 12 What claims of the '815 patent would you like to
03:21:46 13 address first, Professor Singh?
03:21:48 14 A. I'd like to start by -- just in order, I'll start with
03:21:55 15 Claim 1.
03:21:55 16 Q. Can you please provide a brief overview of Claim 1?
03:21:59 17 A. Yes. So, as you can see, this is a very long claim,
03:22:05 18 and I'm going to do my best to try and go through it as
03:22:09 19 engagingly and as efficiently as possible. But I do need
03:22:13 20 to go through it diligently, so please bear with me.
03:22:18 21 To make this a little more streamlined, I have
03:22:23 22 grouped various claim elements from 1[preamble] and then
03:22:28 23 1[a] all the way through 1[e] into device components. So,
03:22:31 24 roughly speaking, the components that are necessary on the
03:22:34 25 device to practice the claim.

09:56:46 1 about it, right?
09:56:47 2 A. I did. I said I relied upon source code and testing
09:56:50 3 and my results in 296, and I showed it in practice.
09:56:56 4 Q. Okay. You said -- okay. Let's break that down, what
09:56:58 5 you did tell the jury. You made some vague statement about
09:57:02 6 relying on source code, but what you didn't do for this
09:57:05 7 claim limitation is show any source code, because it
09:57:08 8 doesn't exist, that allows the detection of a single
09:57:12 9 character in this particular part of the claim. Right?
09:57:16 10 A. Not on this slide, I did not.
09:57:20 11 Q. Well, not on any slide for this claim limitation,
09:57:24 12 right?
09:57:24 13 A. I did refer to the fact that the album titles were
09:57:28 14 represented as strings of characters in the code. I've
09:57:34 15 cited source code files in my report that specifically show
09:57:41 16 where the -- show the representation of these strings of
09:57:47 17 characters, and --
09:57:49 18 Q. Okay. But what you're talking about is the source code
09:57:52 19 displaying the characters on the screen, right? Yes?
09:57:55 20 A. Yes.
09:57:56 21 Q. But what you're not talking about is any source code
09:57:58 22 that says, okay, user's finger has touched "F." I
09:58:02 23 recognize that as a touching of that character? No such
09:58:07 24 source code, right?
09:58:07 25 A. Sir, as I said in my testimony earlier yesterday, it's

09:58:16 1 a touchscreen. If you touch it, you have to touch it to
09:58:22 2 select anything. And when you touch it, what you're
09:58:27 3 selecting is what is underneath that -- what is displayed
09:58:30 4 there.
09:58:30 5 Q. Okay. Well, that --
09:58:31 6 A. This is -- this is anybody -- any -- it's common
09:58:34 7 knowledge.
09:58:37 8 Q. Okay. Well, we'll hear from Dr. Kia about that. But
09:58:41 9 just because you put your finger on a screen, that doesn't
09:58:45 10 mean the computer in the phone is saying I recognize that
09:58:49 11 they've touched the particular character, right, like the
09:58:52 12 letter "F"?
09:58:52 13 A. Yes, but when you see the phone respond to that
09:58:56 14 selection, you know that the source code is -- is doing
09:59:00 15 something.
09:59:00 16 Q. But, for example --
09:59:01 17 A. Yeah.
09:59:02 18 Q. -- rather than what you've just kind of made up, the
09:59:07 19 phone could be recognizing that you're touching an area of
09:59:10 20 the phone rather than, for example, selecting an individual
09:59:13 21 character, right?
09:59:15 22 A. Of course you're touching an area of the screen --
09:59:17 23 Q. Okay --
09:59:18 24 A. -- counsel.
09:59:19 25 Q. Exactly?

10:10:34 1 right?
10:10:35 2 A. That's right.
10:10:35 3 Q. And so instead of showing the jury the actual Netflix
10:10:39 4 source code, you chose to show these two documents, which
10:10:42 5 are not from Netflix and which don't discuss the Netflix
10:10:45 6 app that we're talking about in this trial? That was your
10:10:47 7 choice; is that right?
10:10:48 8 A. It was my choice to show these documents that actually
10:10:54 9 are part of what is Netflix and Samsung's character
10:11:00 10 representations.
10:11:01 11 But my reason for showing these documents was to
10:11:04 12 point out the Court's -- to -- the Court's claim
10:11:11 13 construction that characters are represented by units of
10:11:15 14 code.
10:11:15 15 And, in fact, that -- the way of understanding
10:11:18 16 that representation is that there's an index, an ID that
10:11:22 17 you can ascribe to a character.
10:11:26 18 MR. FOWLER: Your Honor, move to strike that
10:11:28 19 answer after the answer, which was he chose not to.
10:11:30 20 THE COURT: I will -- I'll strike the answer after
10:11:33 21 the initial answer and instruct the jury to disregard it.
10:11:38 22 MR. FOWLER: Thank you, Your Honor.
10:11:40 23 Q. (By Mr. Fowler) So let's go to the last claim
10:11:43 24 limitation I want to visit with you about today, which is
10:11:46 25 21[f].

10:12:49 1 Q. The right side of the screen is the home screen, right?
10:12:53 2 A. Maybe you can refer to it as the first user interface
10:12:58 3 or the second user interface. That might be clearer than
10:13:02 4 left or right.
10:13:04 5 Q. Okay. So -- well, just to be clear, you identified
10:13:08 6 what's on the right, that imagine of the phone as the
10:13:12 7 second user interface, correct?
10:13:14 8 A. Yes.
10:13:14 9 Q. Okay. And then you're the one that enlarged -- I
10:13:18 10 didn't do this. You enlarged the icon that has the blue
10:13:25 11 and then what looks like -- it almost looks like a cookie,
10:13:30 12 but it's brown with the lettering Miyagi-Do Karate. You
10:13:38 13 enlarged that, right?
10:13:39 14 A. Yes.
10:13:40 15 Q. Okay. Now, that's -- that's an -- that's an icon,
10:13:42 16 right?
10:13:42 17 A. It is a profile icon, yes.
10:13:47 18 Q. Okay. Now, unlike what we saw earlier where we saw a
10:13:52 19 thumbnail with some letters that were below the thumbnail,
10:13:56 20 there's no -- there's no lettering Miyagi-Do Karate below
10:14:02 21 this icon, correct?
10:14:02 22 A. I see Miyagi-Do character there, that you can see the
10:14:04 23 letters Miyagi-Do right there.
10:14:06 24 Q. It wasn't my question.
10:14:08 25 A. Okay.

10:15:24 1 A. It is.
10:15:25 2 Q. And displaying this image requires hundreds, if not
10:15:29 3 thousands, of pixels, correct?
10:15:31 4 A. Yes.
10:15:31 5 Q. And each pixel is represented by at least three bytes
10:15:35 6 or units of information representing the combination of the
10:15:38 7 colors red, green, and blue, correct?
10:15:42 8 A. Here, I disagree with the last part you said.
10:15:44 9 Q. Okay. What part do you agree with?
10:15:48 10 A. Most of it.
10:15:49 11 Q. Okay. So let's break that down.
10:15:52 12 Each pixel is represented by three bytes of
10:15:54 13 information; is that correct?
10:15:55 14 A. Each pixel is stored as three bytes of information.
10:16:01 15 Q. Okay. And so collectively, though, this image is
10:16:05 16 represented by hundreds or thousands of pieces of
10:16:10 17 information; is that correct?
10:16:11 18 A. Depends on how it's being represented.
10:16:14 19 Q. Okay. But it's in the range of hundreds or thousands;
10:16:18 20 is that right?
10:16:18 21 A. In the case of Netflix, it's just a number. One
10:16:22 22 number.
10:16:22 23 Q. That's not what I asked you. I asked you the -- the
10:16:25 24 pixels that are displaying this actual image, there's
10:16:30 25 hundreds or thousands of them being used here, right?

01:31:25 1 So if you don't have much size, you put, for
01:31:29 2 example, two thumbnails. If you've got the bigger phone
01:31:32 3 and maybe you can shrink the thumbnails a little bit more,
01:31:37 4 maybe you put three columns there.
01:31:39 5 So based on the real estate, the graphical real
01:31:42 6 estate that you have, the system distributes these buttons
01:31:45 7 accordingly. And if it cannot find it as an example of
01:31:48 8 this slide view, it provides a scrolling mechanism, so you
01:31:52 9 can go through the various items.
01:31:54 10 Q. Now, we're going to look at the source code in just a
01:31:56 11 few minutes. But does the source code describe selecting a
01:32:01 12 character as construed by the Court?
01:32:04 13 A. No, sir. The source code does not do that.
01:32:08 14 Q. Is the source code ever wrong?
01:32:10 15 A. No, sir.
01:32:10 16 Q. If -- if the source code or the software was set up to
01:32:14 17 recognize a character, would it be in the source code
01:32:16 18 somewhere?
01:32:16 19 A. Absolutely. The clicking of the item would clearly be
01:32:21 20 shown.
01:32:22 21 Q. And if it's not in the source code, what does that
01:32:24 22 mean?
01:32:25 23 A. That means it's not present in the accused products.
01:32:27 24 Q. Did Dr. Singh show the jury any source code at all for
01:32:30 25 this claim limitation?

01:32:32 1 A. No, sir, he did not.
01:32:33 2 Q. Are you going to?
01:32:36 3 A. Yes, sir, I am.
01:32:37 4 Q. Okay. Now, if that's the case, why are these -- why
01:32:40 5 are these characters even on the screen, you know, even as
01:32:44 6 a word? What's the purpose of having them on there?
01:32:46 7 A. So the purpose is that this gives a guide to the user
01:32:50 8 so that they would know that whatever they created -- as an
01:32:53 9 example, most of the icons in the album are from the
01:32:57 10 pictures that are in the album itself. These are guides.
01:33:02 11 And the user can name an album, again, user selection.
01:33:07 12 It's a guide for them to remember where is it in the album
01:33:11 13 structure that they want to go to see the pictures they
01:33:13 14 like.
01:33:14 15 MR. FOWLER: Your Honor, I'm going to need to
01:33:16 16 briefly seal the court while we look at some source code.
01:33:21 17 THE COURT: All right. The courtroom will be
01:33:23 18 sealed at this time.
01:33:24 19 (Courtroom sealed.)
01:33:24 20 (This portion of the transcript is sealed
01:33:24 21 and filed under separate cover as
01:33:24 22 Sealed Portion No. 14.)
01:37:46 23 (Courtroom unsealed.)
01:37:46 24 MR. FOWLER: Would you like me to wait, or should
01:37:48 25 I proceed?

01:37:49 1 THE COURT: You can proceed. I'm a little
01:37:51 2 concerned about that microphone.
01:37:53 3 Can the jury hear? Okay. Not great?
01:37:54 4 Maybe let's try to swap out the microphones.
01:38:00 5 Mr. Siddiqui has one there.
01:38:10 6 MR. FOWLER: How about that?
01:38:11 7 THE COURT: A little better.
01:38:13 8 MR. FOWLER: Thank you.
01:38:14 9 Q. (By Mr. Fowler) Now, we talked about your review of
01:38:16 10 the source code, but did you confirm what you saw on the
01:38:19 11 source code by your own testing?
01:38:24 12 A. Yes, sir, I did.
01:38:25 13 Q. Are you prepared to demonstrate some of your testing
01:38:28 14 for the jury using the overhead camera that we have up
01:38:31 15 there on the witness stand?
01:38:32 16 A. Yes, sir, I am.
01:38:33 17 Q. Okay. Can you, using the overhead camera, which
01:38:36 18 hopefully we can turn on now?
01:38:45 19 Are you ready, Dr. Kia?
01:38:47 20 A. No, this is too much zoomed in. Let me zoom out a
01:38:51 21 little. I think when it turns on, it gets better.
01:39:00 22 Okay. Yes, I'm ready.
01:39:00 23 Q. Okay. Can you -- using the overhead camera -- and let
01:39:04 24 me step back.
01:39:04 25 What is that -- what is that that you've put there

01:39:06 1 on the pad?
01:39:07 2 A. It is the DPX-4b. It is a Samsung Galaxy S23 device.
01:39:13 3 Q. Okay. Using the S23 exhibit device and the overhead
01:39:18 4 camera, can you please demonstrate for the jury your
01:39:23 5 testing?
01:39:24 6 A. Yes, sir. Wait until this catches up. Waiting for
01:39:40 7 connection. There we go.
01:39:44 8 Okay. I'm ready.
01:39:47 9 Q. Please proceed.
01:39:48 10 A. Okay. So once you turn on the device, it goes to the
01:39:52 11 home screen that we saw earlier. So I'm going to find the
01:39:56 12 Gallery app. This is the Gallery app.
01:40:00 13 Oh, this is upside down.
01:40:02 14 Q. Just turn it around, sir.
01:40:04 15 A. I'll do it like this.
01:40:07 16 Okay. So we get to the pictures pane, and when we
01:40:12 17 go to the albums pane, you get all of the albums that we've
01:40:16 18 seen before. Okay?
01:40:17 19 So I'm going to go to the banana album, and you
01:40:21 20 see that these are the various folders that are available.
01:40:28 21 Okay.
01:40:28 22 Q. You're pointing -- just for the record, you're pointing
01:40:30 23 to the folders on the left of the screen?
01:40:33 24 A. That's correct.
01:40:34 25 So when I go to a different folder, it shows this

01:40:39 1 one. It has a different content. Okay?
01:40:43 2 So when I go back to the banana folder, when I
01:40:48 3 select --
01:40:48 4 Q. Well -- I'm sorry, just -- because I can't at least see
01:40:51 5 it on the screen here because of the resolution. You're
01:40:54 6 looking at something that looks like a piece of tile; is
01:40:58 7 that right?
01:40:58 8 A. Yes.
01:40:58 9 Q. And are there words under it? I can't really quite see
01:41:03 10 it. Are there words under it on the screen?
01:41:05 11 A. Maybe I can reduce the exposure. Maybe it'll get
01:41:10 12 better.
01:41:17 13 Q. Very good. Thank you.
01:41:20 14 So what does it say -- what's the word below --
01:41:24 15 below that tile or the thumbnail?
01:41:26 16 A. It says "bananas."
01:41:28 17 Q. Okay. Please proceed.
01:41:31 18 A. Okay. So in this icon here -- I'm going to try to do
01:41:34 19 it so you can see where I touch -- is the carpets folder.
01:41:40 20 Okay? So I press even on the carpets icon, and it changes.
01:41:40 21 It selects that album.
01:41:41 22 Q. So let's just stop there. According to Dr. Singh and
01:41:44 23 you, does that infringe?
01:41:45 24 A. No, sir, it does not.
01:41:47 25 Q. Because you're clicking on a thumbnail; is that right?

01:41:50 1 A. That's correct.
01:41:50 2 Q. Okay. Please proceed.
01:41:52 3 A. Okay. So I go back to that banana, and I'm going to --
01:41:57 4 let's see -- I'm going to move -- I'm going to move the
01:42:04 5 slide bar so that the carpets' text is removed. So all you
01:42:11 6 see is the icon now.
01:42:12 7 Q. So, just for the record, what we're looking at is the
01:42:15 8 top two-thirds of the carpets' thumbnail, but the text,
01:42:20 9 carpets, below it, is no longer on the screen. Is that
01:42:24 10 right?
01:42:24 11 A. That's correct.
01:42:24 12 Q. Okay. Please proceed.
01:42:26 13 A. So when I press what is remaining, it selects the
01:42:29 14 album. It still does what it did before, okay?
01:42:32 15 So when I go back to the album and I remove it
01:42:35 16 all -- only for a sliver, the small part of the icon is
01:42:39 17 there.
01:42:40 18 Q. Again, just for the record, so now we're seeing the
01:42:43 19 very top of the carpets icon, and, again, the letters that
01:42:47 20 form carpets are no longer seen, correct?
01:42:50 21 A. That's correct.
01:42:50 22 Q. Okay. Please proceed.
01:42:53 23 A. So when I select that sliver, it still changes, okay?
01:43:00 24 And for the last step, if I remove the icon
01:43:01 25 completely, it's not there anymore, and I select that

01:43:05 1 sliver of an area underneath, it's still selected. And
01:43:09 2 that is because the area that is defined for that album,
01:43:14 3 it's still visible, even though you don't see anything.
01:43:18 4 Q. So what is -- what we just saw, how does that inform
01:43:22 5 your opinion as to why there's infringement or not?
01:43:24 6 A. Because a character is not selected. This confirms my
01:43:31 7 opinion that the area is defined as I saw in the source
01:43:35 8 code.
01:43:35 9 Q. And, in fact, in the last three of the four examples
01:43:38 10 you showed, character is not even on the screen anymore,
01:43:48 11 right?
01:43:48 12 A. That's correct.
01:43:48 13 Q. So is -- in that situation, what does that tell you
01:43:50 14 about whether a user of the Galaxy S23 is selecting a
01:43:55 15 character to open the albums?
01:43:56 16 A. Yeah, it tells me that the Galaxy S23, the user is not
01:43:59 17 selecting a character. Instead, it's selecting an area.
01:44:02 18 Q. How sure are you of that?
01:44:05 19 A. I am completely sure about that.
01:44:07 20 Q. Okay. Now, did Dr. Singh demonstrate this claim
01:44:11 21 limitation to the jury using a phone?
01:44:12 22 A. No, sir, he did not.
01:44:14 23 Q. Okay. So what did your review of the Samsung source
01:44:18 24 code, together with your own independent testing of the
01:44:22 25 Galaxy S23, lead you to conclude?

01:48:29 1 A. Yeah, that tells me that it was not pre-installed, that
01:48:35 2 it had to be downloaded.
01:48:36 3 Q. So the only three phones that are being shown to the
01:48:40 4 jury in this trial, or at least discussed, the two you
01:48:41 5 bought and the one that Dr. Singh bought, were any of them
01:48:44 6 pre-installed with the Netflix app?
01:48:46 7 A. No, sir. Not that I know of.
01:48:48 8 Q. So would any of those three phones infringe?
01:48:50 9 A. No, sir, they would not.
01:48:52 10 Q. Okay. So let's go to the next part of your analysis.
01:48:55 11 MR. FOWLER: The next slides, please.
01:48:58 12 Q. (By Mr. Fowler) We're looking at part of Claim 21.
01:48:59 13 Can you tell us what we're looking at and why it's
01:49:03 14 significant to your opinion?
01:49:04 15 A. Yes, sir. So this is Claim Element 21[f], and what it
01:49:08 16 requires is a second user interface displaying the first
01:49:11 17 character.
01:49:14 18 Q. Okay. And why is that yellow language significant in
01:49:17 19 your analysis?
01:49:18 20 A. Because that is not present in the Samsung accused
01:49:24 21 products.
01:49:24 22 Q. Okay. Now, for the --
01:49:26 23 MR. FOWLER: Let's go to the next slide.
01:49:27 24 Q. (By Mr. Fowler) What did Dr. Singh, in his trial
01:49:32 25 testimony, I guess it was yesterday, say was the first

01:49:37 1 character in the Galaxy phone using the Netflix app?
01:49:40 2 A. Well, I heard him say a few things, but he pointed to
01:49:45 3 the Miyagi-Do icon that is present when you select a user
01:49:53 4 profile in Netflix, and you enter the second display,
01:49:59 5 there -- as I've shown here on the right, the user profile
01:50:04 6 icon is displayed and is pointing to that as the
01:50:08 7 character -- first character.
01:50:09 8 Q. So, is, in fact, this Miyagi-Do Karate icon a first
01:50:14 9 character as the Court has construed that term?
01:50:16 10 A. No, sir, it's not.
01:50:17 11 Q. Why not?
01:50:19 12 A. Well, that's because that's an image, it's an icon,
01:50:22 13 it's composed of pixels, many, many pixels, hundreds to
01:50:27 14 thousands of pixels, each containing multiple numbers. It
01:50:31 15 cannot be -- it cannot be meant to be one unit of
01:50:34 16 information.
01:50:34 17 Q. Were you here when Dr. Singh acknowledged to me that if
01:50:41 18 a user pressed on the blue area, it would -- it would open
01:50:44 19 the -- the folder?
01:50:46 20 A. That's correct.
01:50:46 21 Q. And if you -- he pressed on the, like, dark half moon
01:50:51 22 part at the top of the brown area, that would open the
01:50:54 23 character -- or open the folder?
01:50:56 24 A. Yes, I remember you asking him that.
01:50:58 25 Q. And if he happened to touch his finger on the M, that

01:51:02 1 that would open the folder?
01:51:03 2 A. That's correct.
01:51:04 3 Q. So what does that tell you?
01:51:05 4 A. Well, that tells me that this is an icon. The -- the
01:51:08 5 entire icon is composed of the element that does the
01:51:12 6 selection. It's the whole icon does the selection, not any
01:51:16 7 one character.
01:51:17 8 Q. And how many units of -- units of information are
01:51:20 9 represented to the computer by this icon?
01:51:24 10 A. It's -- it would be hundreds of thousands.
01:51:28 11 Q. Okay. Now, let's focus on the individual letters. Are
01:51:30 12 those letters like letters that you would type into a word
01:51:34 13 processing document?
01:51:38 14 A. No, sir, those are not.
01:51:39 15 Q. What are they instead?
01:51:41 16 A. So these letters are actually pixels. Each pixel is
01:51:46 17 distributed with its brightness and color values so that
01:51:49 18 that distribution mimics a sort of character that's
01:51:53 19 displayed. But underneath it, those are just fixed pixels.
01:51:57 20 Q. And although I think you've already said that this just
01:52:03 21 one integrated image, if you were to pick like the letter
01:52:06 22 M, how many pixels would be involved in that?
01:52:09 23 A. Yeah, that -- the letter M by itself would be tens to
01:52:12 24 hundreds of pixels.
01:52:14 25 Q. So is the letter M an icon and the icon a character

01:52:23 1 under the Court's construction?
01:52:24 2 A. No, sir, it's not.
01:52:25 3 Q. Can you please summarize your opinion regarding Claim
01:52:29 4 21 to the jury?
01:52:31 5 A. Yeah. Because of all the reasons I just mentioned
01:52:34 6 about the claim term limitation, it is my opinion that
01:52:40 7 Samsung Galaxy S23 running the Netflix app does not
01:52:43 8 infringe asserted Claims 21 and 24 of the '815 patent.
01:52:48 9 Q. And is the icon -- just to put a sharpened point on
01:52:53 10 that, is the icon, the Miyagi-Do icon that Dr. Singh is
01:52:57 11 relying on, is that a character as construed by the Court?
01:53:00 12 A. No, sir, it's not.
01:53:00 13 Q. Okay. So we've just covered your non-infringement
01:53:03 14 opinion on Claim 21.
01:53:04 15 What about Claim 24?
01:53:06 16 A. Yeah. So Claim 24 is dependent on Claim 21. So if
01:53:11 17 Claim 21 is not infringed, Claim 24 cannot be infringed.
01:53:14 18 Q. Is there any dispute about that point?
01:53:16 19 A. No, sir, no dispute.
01:53:18 20 Q. Okay. So have we now completed your non-infringement
01:53:21 21 opinion regarding the '815 patent?
01:53:24 22 A. That's correct.
01:53:25 23 Q. Okay.
01:53:27 24 MR. FOWLER: So let's go to the next slide.
01:53:29 25 Q. (By Mr. Fowler) And turn to the third part of your

04:09:35 1 source code review for patent litigation. I've reviewed
04:09:39 2 source code for, I believe, over 40 cases.
04:09:43 3 And during my Ph.D., my research has involved
04:09:47 4 reading and writing lots of source code as well.
04:09:49 5 Q. So the phones in this case involve Android. Do you
04:09:53 6 have experience in reviewing source code relating to
04:09:56 7 iPhone -- Android phones and smartphones?
04:09:59 8 A. Yeah. I believe a dozen or more of the cases that I've
04:10:03 9 been on have involved looking at Android smartphones,
04:10:07 10 understanding how the operating system works, understanding
04:10:11 11 certain apps on Android.
04:10:14 12 MR. FOWLER: Okay. Your Honor, at this time,
04:10:15 13 Samsung proffers Mr. Ryan West as an expert in the field of
04:10:19 14 source code review and analysis.
04:10:23 15 THE COURT: Any objection?
04:10:24 16 MR. JAVED: No objection.
04:10:25 17 THE COURT: All right. Very well.
04:10:27 18 Q. (By Mr. Fowler) So can you tell the jury what you were
04:10:29 19 asked to do in this case?
04:10:32 20 A. So I was asked to analyze the source code of the
04:10:38 21 Netflix Android application. And, specifically, I was
04:10:41 22 asked to look at, first, whether multiple user profiles are
04:10:49 23 on this application; second, when you download a video to
04:10:55 24 the smartphone, does that download come in an encrypted
04:10:58 25 state; and, third, after you downloaded the video, how does

(Sealed Portion No. 14.)

MR. FOWLER: May I proceed, Your Honor.

THE COURT: Yes, you may.

MR. FOWLER: Could we put up the next slide, please?

Q. (By Mr. Fowler) Can you please tell the jury what we're seeing on this slide?

A. Yes, sir. So this is the portion of the code that processes the click when the user clicks on one of those albums.

[redacted]

It is different than the other gestures that are available. [redacted]

[redacted]

Q. Okay. So viewPosition is talking about area; is that right?

A. That's correct.

Q. Is there anything in this code that's talking about

1 individual characters?
2 A. No, sir.
3 Q. So can you explain to the jury how this source code
4 that we're looking at is relevant to your non-infringement
5 opinion?
6 A. It is relevant because this is where that trigger, that
7 event happens when the user selects the album.
8 As you can see, they're using area information,
9 and that's certainly more than one unit of information, as
10 required by Court's construction.
11 Q. Okay. Is there anything in this code describing
12 selecting a character?
13 A. No, sir, it's not.
14 Q. And why is that important?
15 A. Because that is what is required for the claim element
16 to be satisfied.
17 Q. Did you review any other source code that informed your
18 opinion?
19 A. Yes, sir, I did.
20 MR. FOWLER: So let's put up the next slide.
21 Q. (By Mr. Fowler) Can you please tell the jury what
22 you're looking at -- or what we're looking at now?
23 A. Yes, sir. So to just confirm my opinion, there's
24 another process that the user can perform, and this is a
25 drag and drop event.

1 So the user would select the thumbnail, and don't
2 let go of the screen -- the LCD screen, and drag it and
3 drop it on one of the albums. So this, in turn, when you
4 drop in an album, you're selecting the album.
5 So it's to confirm how the software selects which
6 album. I looked at this process myself. [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 Q. So what is this source code telling you in terms of how
14 it's relevant to your infringement opinion or
15 non-infringement opinion?
16 A. The source code confirms my opinion that selecting the
17 album is done by area. It's more than one unit of
18 information. It is an X/Y. This is a relative position
19 with respect to the area that the album covers on the
20 screen.
21 Q. Is there anything in this source code that has anything
22 to do with selecting a character?
23 A. No, sir, there's not.
24 Q. And, again, why is that relevant to your analysis?
25 A. Because the character is what's required by the claim