

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EMPIRE TECHNOLOGY) CAUSE NO. 2:23-CV-427-JRG
DEVELOPMENT, LLC., ()
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al.,) MARSHALL, TEXAS
(JUNE 25, 2025
Defendants.) 8:30 A.M.

VOLUME 3

TRIAL ON THE MERITS
BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

SHAWN McROBERTS, RMR, CRR
100 E. HOUSTON STREET
MARSHALL, TEXAS 75670
(903) 923-8546
shawn_mcroberts@txed.uscourts.gov

A P P E A R A N C E S

FOR THE PLAINTIFF: MILBANK, LLP - NEW YORK
55 HUDSON YARDS
NEW YORK, NEW YORK 10001
(212) 530-5096
BY: MR. NATHANIEL BROWAND
MS. ALANA MATTEI
MS. HANNAH JUGE
MS. RACHEL WOLF

MILBANK TWEED HADLEY &
McCLOY, LLP
1 CHASE MANHATTAN PLAZA
45Th FLOOR
NEW YORK, NEW YORK 10005
(212) 530-5000
BY: MR. ANDREW LICHTENBERG

MILBANK TWEED HADLEY &
McCLOY - NEW YORK
28 LIBERTY STREET
NEW YORK, NEW YORK 10005
(212) 530-5019
BY: MR. CHRISTOPHER GASPAR

CAPSHAW DERIEUX, LLP
114 E. COMMERCE AVENUE
GLADEWATER, TEXAS 75647
(903) 845-5770
BY: MS. ELIZABETH DeRIEUX

FOR THE DEFENDANTS: O'MELVENY & MYERS -
SAN FRANCISCO
TWO EMBARCADERO CENTER
28TH FLOOR
SAN FRANCISCO, CA 94111
(415) 984-8700
BY: MR. DARIN SNYDER

O'MELVENY & MYERS, LLP
2801 NORTH HARWOOD STREET
SUITE 1600
DALLAS, TEXAS 75201-2692
(972) 360-1900
BY: MR. TIMOTHY DURST

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25

GILLAM & SMITH, LLP
303 SOUTH WASHINGTON AVENUE
MARSHALL, TEXAS 75670
(903) 934-8450
BY: MS. MELISSA SMITH

OFFICIAL REPORTER: SHAWN M. McROBERTS, RMR, CRR
100 E. HOUSTON STREET
MARSHALL, TEXAS 75670
(903) 923-8546

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1 parties jointly submitted had deleted from it the earlier
04:51 2 offering instructions on DoE.

3 Is DoE an issue in this case, or should it be disposed of
4 summarily at this juncture?

5 MR. BROWAND: Thank you, Your Honor.

6 Doctrine of equivalents is not an issue in this case.

7 THE COURT: All right. Secondly and in the same
8 vein, the parties have represented to the Court that this
9 trial before this jury would only involve issues offensively
10 for infringement; defensively there would not be a
04:51 11 presentation of an invalidity defense by the Defendants either
12 under § 102, § 103, or § 112. The evidence before the jury
13 has not even mentioned the word invalidity, but in an
14 abundance of caution and in mind that the record needs to be
15 complete, there are defensive claims in the active pleadings
16 for invalidity. The Court feels that it needs to dispose of
17 those on the record and not leave them hanging.

04:52 18 Is there any reason why the Court should not dismiss the
19 invalidity allegations in this case?

20 MR. PENSABENE: The invalidity allegations have been
21 withdrawn.

22 THE COURT: I've not seen an order that allows them
23 to be withdrawn. You may have informally withdrawn them, and
24 that's really what we're talking about here.

25 Given that statement on the record, I'm going to order

1 that the Defendants' invalidity defenses, either as
04:52 2 affirmative defenses or counterclaims, are dismissed without
3 prejudice. All right?

4 MR. PENSABENE: Thank you, Your Honor.

5 THE COURT: I don't want the Federal Circuit telling
6 me I've sent them an unclean record.

7 All right. Now let's return to the matters you've asked
8 for direct relief on pursuant to Rule 50(a).

9 Let's just take them in the order you presented them.
10 Let's begin with direct infringement as to both of the
11 patents-in-suit, the '120 and the '331 Patent.

04:53 12 Let me hear Plaintiff's argument first, and then I'll
13 hear corresponding argument in response from Defendants.

14 MR. BROWAND: Empire moves for --

15 THE COURT: And I understand, Mr. Browand, that you
16 need to preserve your record. I would ask you to understand I
17 have heard all the evidence, I have been here every day. To
18 the extent you can simplify and summarize your arguments
04:53 19 without reading me a 20-page motion somebody may have prepared
20 last night, I would much prefer that. I want you to maintain
21 and preserve your record, but there's no need for us to
22 reinvent the wheel here.

23 MR. BROWAND: Thank you, Your Honor. I will try to
24 follow that guidance.

25 THE COURT: And I offer that guidance to both sides