

1 PABLO LEMA,
2 having been first duly sworn, was examined and testified as
3 follows:

4 JUDGE JOHNSON HINES: Please have a seat, and
5 welcome.

6 DIRECT EXAMINATION

7 BY MR. SCHMIDT:

8 Q. Good morning, sir.

9 Would you please introduce yourself to the
10 Court.

11 A. Yeah.

12 I'm Pablo Lema.

13 Q. What is your current position at GoPro?

14 A. I'm currently the senior vice president of
15 product.

16 Q. Tell us a little bit about your educational
17 background.

18 A. I have an undergraduate degree from the Wharton
19 School at the University of Pennsylvania, and I later
20 returned for an MBA from the Wharton School.

21 Q. When did you join GoPro?

22 A. I joined GoPro in 2014.

23 Q. So you have been there for 11 years. What's
24 made you stay at the company for so long?

25 A. I have been there for about 11 years. I love

1 So HER07 Black introduced HyperSmooth, Virtual
2 Lens, SuperView, all that was in there. Horizon Leveling
3 came in-camera in HER09, and we've continued to invest in
4 stabilization since then. We have got performance
5 improvements, much wider angles and stuff like that.

6 Q. We saw the Horizon Leveling feature in some of
7 those surveys we saw before; correct?

8 A. Yes.

9 MR. SCHMIDT: Okay. Thank you for your time
10 today, Mr. Lema.

11 I pass the witness.

12 THE WITNESS: Thank you.

13 JUDGE JOHNSON HINES: Good morning.

14 MS. PRENDERGAST: Good morning, Your Honor.

15 May I proceed, please?

16 I'll do my best to stay on the public record,
17 but there are a few documents we may need to confer about.

18 JUDGE JOHNSON HINES: I don't mean to suggest
19 that you can't go on the confidential record. So if you
20 need to, please do.

21 MS. PRENDERGAST: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MS. PRENDERGAST:

24 Q. Good morning, Mr. Lema. Good to see you again.

25 A. Good to see you again.

1 Q. So let me just repeat my question, and if you
2 could just listen clearly carefully to my question.

3 It's just evaluating whether a feature exists in
4 your competitor's products is different than overtly
5 copying; right? The answer is yes or no.

6 A. Yes, if you are benchmarking the product for the
7 benefit that you get, and not trying to copy something that
8 they did. Copy exactly how they did it.

9 Q. So benchmarking and overtly copying are
10 different?

11 A. In my opinion, benchmarking something to
12 understand the benefits is very different than
13 reverse-engineering and trying to do exactly what someone
14 else did.

15 Q. But when you create features akin to what people
16 like in other products, that doesn't mean you're copying
17 those features; right?

18 A. If you have developed those features with your
19 own innovation and your own technology that doesn't
20 infringe on what someone else did, then you've delivered
21 your own way to create a benefit for the user.

22 Q. But just because you created a feature that's
23 similar to a feature in your competitor's product, that
24 doesn't mean you copied that feature per se; right?

25 A. If you didn't do exactly what they did, and that

1 technology. I think others here are.

2 Q. But when Insta360 introduces a new product,
3 GoPro buys that product and puts it through its paces. You
4 would agree?

5 A. We buy the products, and we will understand it
6 from the user's perspective, that's what we call putting it
7 through its paces. We pretend to be the users of the
8 product.

9 Q. The answer is yes to the question; right?

10 A. Yes, we buy the products.

11 Q. After you put, for example, the Insta360 ONE X
12 through its paces, you don't recall ever saying to anyone
13 at GoPro, I think this product is using GoPro's technology;
14 right?

15 A. I don't remember saying that it uses GoPro
16 technology. I would have evaluated and said this performs
17 like HyperSmooth, if it was HyperSmooth that was being
18 contended. If it was video stabilization.

19 Q. Sitting here today, can you point to any
20 document in which you made that statement internally at
21 GoPro?

22 A. I don't recall, sitting today, a document that
23 calls that out specifically.

24 Q. GoPro also does teardowns of Insta360 products;
25 right?

1 A. I think some people at our company do teardowns
2 of the products that we purchase.

3 MS. PRENDERGAST: I would like to go on the
4 confidential -- the GoPro confidential record now, Your
5 Honor.

6 JUDGE JOHNSON HINES: All right.

7 MR. PAK: Your Honor, the room is clear.

8 JUDGE JOHNSON HINES: Thank you.

9 (Whereupon, the trial proceeded in confidential
10 session.)

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