proceed.

JUDGE JOHNSON HINES: All right. Let's do that.

RICHARD GOODIN NAME,

having been called as a witness, was previously legally placed under oath, testified as follows:

CONTINUED DIRECT EXAMINATION

BY MS. LI:

Q. Welcome back, Mr. Goodin.

A. Good morning.

Q. Now, let's begin by discussing your opinions regarding the invalidity of the '840 patent.

Slide 164.

Is Pixel 2 prior art to the '840 patent?

A. Yes.

Pixel 2 was released on October 4, 2017. It is prior art under 102(a)(1), and GoPro does not dispute this.

Q. Does Pixel 2 disclose the preamble of Claim 1 of the '840 patent?

A. Pixel 2 does disclose the preamble at RX-1567 at 5, for the same reasons I discussed for the '894 patent.

JUDGE JOHNSON HINES: Ms. Li, if I can just ask for the slide numbers. You guys spend a lot of time preparing these beautiful slides, it would be helpful to get those numbers into the record.

MS. LI: Yes.

O P E N S E S S I O N

BY MS. LI:

Q. Now, let's talk about your opinions regarding secondary considerations for the '894, '840, '832 patents.

Slide 328.

Do you see any evidence showing any nexus between the claimed invention and secondary considerations?

A. No.

Mr. Derbanne here says that there is no nexus. The patents do not capture the core of HyperSmooth.

He talks about, our algorithm is innovative, and is probably very different from what is written here, referring to the patents.

Q. Who is Pablo Lema?

A. Pablo Lema is the VP of product management.

He talks here about no evidence of commercial success or industry praise.

He says, "I don't know of any specific documents that would tie the features of horizon leveling directly to, say, the sales of the product." (As read.)

There is from RX-0322C, the Lema deposition, page 147, 17 to 20.

Q. Slide 330.

Do GoPro's Emmy award and Lucie Award impact your opinion of no secondary considerations?

A. Yes, they do.

I believe this further backs my opinion that there is no industry acclaim tied to the claimed inventions.

Mr. Derbanne himself talked about the fact that the patents only represented a small part of HyperSmooth in the previous slides, and they have shown -- GoPro has shown no nexus between the industry acclaim and any particular claim terms.

Q. Okay.

Slide 331.

Do GoPro's survey documents show secondary considerations?

A. They don't.

The surveys don't demonstrate a nexus to the claimed features.

All they do is describe differing purchase motivations.

GoPro has not tied any of these to the specific features of the patents.

Q. Slide 332.

Does this document show any secondary considerations, in your view?

A. No.

This is on purported success, which is

attributed to many factors. You're seeing a list here of roughly 20 factors which could be involved in the success of the camera.

You know, the patents may be some small portion of this.

Q. Sorry, can you please clarify.

Does this document show any purported success that is attributed to the claimed invention of the '894, '840 or '832 patents at all?

A. No, it shows no evidence of that.

Q. For example, do you see horizon leveling mentioned on this slide?

A. I don't see horizon leveling mentioned anywhere in this slide.

Q. What does Mr. Lema testify on slide 333?

A. So I understand GoPro contends that their technology was copied by Insta.

Mr. Lema here, who is the VP of product management, says he has not seen documents that say Insta360 is planning on copying these particular features.

Q. Slide 334.

Did you see any evidence of Insta360 copying?

A. No.

From his testimony, Mr. Jiang, in describing the development process, presents that there is no evidence of