UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION AT SANTA ANA

HONORABLE JAMES V. SELNA, JUDGE PRESIDING

CERTIFIED TRANSCRIPT

MR TECHNOLOGIES, GMBH, Plaintiff and Counterclaim Defendant, vs. WESTERN DIGITAL TECHNOLOGIES, INC., Defendant and Counterclaim Plaintiff.	SACV NO. 8:22-cv-01599-JVS-DVM **DAY 5, VOLUME II**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

SANTA ANA, CALIFORNIA

TUESDAY, JULY 23, 2024

1:02 P.M.

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01:59:27 1 Q And you also would agree with me that that technology,
2 to use it required media with multiple layers with varying
3 anisotropy, right?
4 A I can't testify to that. I don't know.
01:59:39 5 Q Well, let's take a look at your deposition. You should
6 have a copy there in your binder that I gave you at
7 page 134. And you can look at 133 as well.
8 A *(Witness so complies.)* Okay.
9 Q And if you look at 134, page lines 2 to 6.
02:00:18 10 Do you have that, sir? Are you there?
11 A Yes, I see it.
12 Q And the question was asked:
13 "QUESTION: And the media that -- in the system
14 that they required required the allegedly
02:00:37 15 infringing technology of a multilayered media with
16 varying anisotropy; fair?"
17 And your answer was:
18 "ANSWER: That's fair."
19 Did I read your testimony correctly?
02:00:48 20 A That was my answer then, yes.
21 Q Okay. Now, you testified a moment ago your conclusion
22 I think you showed on your last slide was that the patents
23 in this case contributed only about 33 -- or excuse me,
24 about 63 gigabytes per square inch of capacity?
02:01:10 25 A Correct.

02:01:10 1 Q So is it your testimony, sir, that -- let's put this in
2 context. Currently, products go all the way up to 1300
3 gigabytes per square inch, right?
4 A A little bit more today, yeah.
02:01:24 5 Q But close to that --
6 A Yeah.
7 Q -- we can agree on that?
8 A Yes.
9 Q Okay. So let's use 1300. That's the top number that
02:01:27 10 was in Dr. Re's analysis, wasn't it?
11 A Correct.
12 Q Okay. So it's your testimony that if Western Digital
13 didn't have the benefit of the patents-in-suit, that they'd
14 be 1,240 gigabits square inch? Is that the opinion you're
02:01:44 15 offering in this court?
16 A I'm not making any judgment or opinion on the use of
17 the allegedly infringing technology.
18 Q And you certainly wouldn't suggest that the bilayer
19 structure that you said came before Dr. Seuss' invention,
02:02:02 20 you're not suggesting that those structures ever did or even
21 could approach 1,240 gigabits per square inch in density,
22 are you? You didn't offer that opinion.
23 A I didn't.
24 Q Now, you were at Western Digital, you said -- I think
02:02:26 25 we established from 2004 to 2007, correct?

02:02:29 1 A Correct.
2 Q And increasing areal density, that's one of the main
3 objectives of Western Digital's media development efforts.
4 Fair?
02:02:39 5 A I would assume so, yes.
6 Q It's important for Western Digital to be able to
7 compete in the hard drive market to have areal density,
8 right?
9 A One of the most important things, yes.
02:02:51 10 Q If it wasn't able to keep up with the areal density of
11 its competitors, it would be difficult for Western Digital
12 to compete. Is that fair?
13 A Yes. Western Digital has competed at lower areal
14 density in the past and there's always ways to make up some
02:03:07 15 of that, but over a long trend, you'd need to advance areal
16 density.
17 Q Now, Dr. Seuss' invention, the invention at issue in
18 this case, that introduced --
19 *(Court Reporter requests clarification for the*
02:03:19 20 *record.)*
21 MR. LEDAHL: Sorry.
22 BY MR. LEDAHL:
23 Q -- that introduced multiple -- multilayer media with
24 varying anisotropy layers, and that was introduced in 2006,
02:03:30 25 correct?

02:03:32 1 MR. BALI: Object, Your Honor.
2 Outside the scope of his testimony. He's asking
3 to talk about what Dr. Seuss' technology is, and that's not
4 what Dr. Goglia testified to at all.
02:03:42 5 MR. LEDAHL: He testified, Your Honor, about these
6 supposed ranges of time and the relevant developments. I
7 think I'm inquire -- entitled to inquire about some
8 foundational matters.
9 THE COURT: Overruled.
02:03:51 10 BY MR. LEDAHL:
11 Q And you have provided information in this case that by
12 the end of 2007, the areal density industry-wide was about
13 240 gigabits per square inch. Fair?
14 A Correct.
02:04:08 15 Q And shortly after that, the industry adopted the
16 technology of multilayered with varying anisotropy and
17 layers, correct?
18 MR. BALI: Objection, Your Honor. That's, again,
19 not part of Dr. Goglia's testimony.
02:04:23 20 THE COURT: Overruled.
21 THE WITNESS: So it's my understanding that the
22 legacy technology of bilayer continued well beyond 300
23 gigabits per square inch, so I don't think you're accurate.
24 BY MR. LEDAHL:
02:04:36 25 Q My question, sir, was a little different, so listen

02:04:37 1 carefully.
2 It was shortly after that 2007 time frame that the
3 industry adopted the technology of multilayered with varying
4 anisotropy and layers, correct?
02:04:51 5 A When you say "adopted," are you implying that adopted
6 across the board or there was one product or what? Can you
7 clarify the question, please?
8 Q Well, why don't we take a look at your deposition,
9 because I think you were able to answer my question when
02:05:04 10 we -- your deposition was taken. Let's look at page 113 of
11 your deposition, lines 5 to 9. And actually, let me even
12 step back a little bit. You can look at page 112. You
13 should have it there at the bottom.
14 MR. LEDAHL: Can we bring that up, Mr. Mortenson,
02:05:35 15 starting at line 24?
16 *(The document was published in open court.)*
17 BY MR. LEDAHL:
18 Q And this is quoting your report, I believe, but the
19 question was asked first:
02:05:41 20 "QUESTION: By the end of 2007, the average areal
21 density industry-wide was approximately 240
22 gigabits per square inch."
23 Do you see that?
24 And you said "Yes." That's referring to your
02:05:52 25 report, correct?

02:05:54 1 A Yes.
2 Q And then the question was asked:
3 "QUESTION: And it was shortly after this that the
4 industry-widely adopted the alleged infringing
02:06:02 5 technology of multilayer media with varying
6 anisotropy and layers, correct?"
7 And your answer was:
8 "ANSWER: Correct."
9 Did I read it accurately?
02:06:11 10 A You read it accurately.
11 Q Okay. And you agree that Western Digital's accused
12 products, you're not disputing that they use a multilayer
13 media with varying anisotropy in the layers and that's one
14 of the things that contributes to its ability to compete in
02:06:30 15 terms of areal density, correct?
16 A That's outside the range of what I wrote my report on.
17 Q You wouldn't disagree with that, though, right? You
18 agreed with us at your deposition that that was true.
19 A Yes.
02:06:42 20 Q And if Western Digital was not able to use multilayer
21 media with varying anisotropy in the layers, it would not be
22 able to compete in the hard drive market, correct?
23 A Again, that assumes that the multilayer media is the
24 patent that we're talking about, and I don't know that. I
02:07:03 25 did not opine on that.

02:07:05 1 Q Well, sir, let's take a look at your deposition again,
2 page 81, lines 7 to 13.
3 *(The document was published in open court.)*
4 BY MR. LEDAHL:
02:07:20 5 Q You were asked -- you were under oath at your
6 deposition, right? Do you remember that?
7 A Yes.
8 Q Just like you were under oath here today.
9 A Yes.
02:07:28 10 Q You were asked:
11 "QUESTION: If Western Digital was not able to use
12 multilayer media with varying anisotropy in the
13 layers, would it be able to compete in terms of
14 areal density in the market?"
02:07:39 15 And your answer was:
16 "ANSWER: Not likely. I don't know if there's any
17 other you solutions out there, but that's the
18 commonly accepted solution."
19 Did I read your testimony correctly?
02:07:50 20 A Yes.
21 MR. LEDAHL: Pass the witness, Your Honor.
22 MR. BALI: Mr. Schmoller, can I have my slides
23 real quick please.
24 *(The document was published in open court.)*
25 ////

02:07:56 1 REDIRECT EXAMINATION
2 BY MR. BALI:
3 Q Dr. Goglia, I'm going to try and -- oop. If the
4 technology wants to work for me.
02:08:35 5 MR. BALI: Let's go to slide -- can you go to
6 slide nine, please, and back out the animation for a second.
7 Actually, you can leave it.
8 *(The document was published in open court.)*
9 BY MR. BALI:
02:08:49 10 Q So my colleague there was asking about there's only one
11 technology listed 0here, shingled write-reader; is that
12 correct?
13 A Correct.
14 Q What are the other dots that are shown in here?
02:09:01 15 A Each one of those represents a product that was
16 introduced at that point on the timeline at an areal
17 density.
18 Q So there are, in fact, other products that are shown
19 in --
02:09:12 20 *(Court Reporter requests clarification for the*
21 *record.)*
22 BY MR. BALI:
23 Q -- in this representation?
24 A Yes.
02:09:19 25 Q And would each one of those products have technologies

02:09:23 1 that are relevant to areal density growth in this time
2 frame?
3 A Yes, clearly.
4 Q And the way you testified this graphic is tracked is
02:09:35 5 each one of those products is an advancement in areal
6 density growth?
7 A Well, you see a continuous growth from left to right
8 across the timeline, and each one represents an increase in
9 areal density.
02:09:49 10 Q So Mr. Ledahl also mentioned 11 days that it took you
11 to write your report.
12 A Yeah.
13 Q Do you know a lot of the history and the background for
14 the technology? Is that within your knowledge base?
02:10:05 15 A Well, yes. I have long -- 40-plus years experience in
16 the hard drive space. It's engrained. It's hard to get rid
17 of those -- that knowledge. It's there.
18 Q And you've had several patents of your own in this
19 area, right?
02:10:21 20 A Yes.
21 Q Particularly related to head media spacing?
22 A Yes, that's correct.
23 Q Okay. And at the end there when Mr. Ledahl was
24 asking -- I think he showed you some depo testimony about --
02:10:40 25 I believe it might have been page 81.

02:10:48 1 MR. BALI: Was that right, Mr. Ledahl? Was that
2 the last depo? I didn't get the page number.
3 BY MR. BALI:
4 Q But it was -- I believe it was page 81, lines 7 through
02:10:58 5 13 where you testified in your deposition that it wasn't
6 likely that areal density would be able to achieved without
7 multilayer media.
8 Do you recall that?
9 A I see that.
02:11:10 10 Q Would areal density have been able to achieved without
11 LDPC?
12 A No.
13 Q Would areal density growth have been able to achieved
14 without head media spacing controls?
02:11:26 15 A No.
16 Q Could you have achieved growth in areal density without
17 advancements in reader technology?
18 A No. Absolutely required.
19 Q Could you achieve areal density growth without
02:11:36 20 advancements in writer technology?
21 A No. Absolutely required.
22 Q And Mr. Ledahl was also talking about the earlier
23 bilayer products and an introduction -- when that was
24 introduced. I think he might have cut you off a little bit
02:11:52 25 when you were explaining.

1 CERTIFICATE

2 I hereby certify that pursuant to Section 753,
3 Title 28, United States Code, the foregoing is a true and
4 correct transcript of the stenographically reported
5 proceedings held in the above-entitled matter and that the
6 transcript page format is in conformance with the
7 regulations of the Judicial Conference of the United States.
8
9 Date: July 23, 2024
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11
12 /s/DEBORAH D. PARKER
DEBORAH D. PARKER, OFFICIAL REPORTER
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