

VOLUME 14

Pages 3512 - 3826

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**Before The Honorable YVONNE GONZALEZ ROGERS, Judge**

EPIC GAMES, INC.,	)	
	)	
Plaintiff,	)	NO. C-20-5640 YGR
	)	
vs.	)	Thursday, May 20, 2021
	)	
APPLE, INC.,	)	Oakland, California
	)	
Defendant.	)	BENCH TRIAL
	)	
<hr/> APPLE, INC.,	)	
	)	
Counterclaimant,	)	
	)	
vs.	)	
	)	
EPIC GAMES, Inc.,	)	
	)	
Counter-Defendant.	)	
<hr/>	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff: CRAVATH, SWAINE & MOORE, LLP  
825 Eighth Avenue  
New York, New York 10019  
**BY: KATHERINE B. FORREST, ESQUIRE**  
**GARY A. BORNSTEIN, ESQUIRE**  
**YONATAN EVEN, ESQUIRE**  
(Appearances continued.)

Reported By: Diane E. Skillman, CSR 4909, RPR, FCRR  
Pamela Batalo-Hebel, CSR 3593, RMR, FCRR  
Raynee Mercado, CSR 8258 RMR, CRR, FCRR

TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

For Plaintiff: CRAVATH, SWAINE & MOORE, LLP  
825 Eighth Avenue  
New York, New York 10019  
**BY: LAUREN A. MOSKOWITZ, ESQUIRE**  
**JUSTIN C. CLARKE, ESQUIRE**  
**W. WES EARNHARDT, ESQUIRE**  
**BRENDAN BLAKE, ESQUIRE**  
**JIN NIU, ESQUIRE**  
**BRENT BYARS, ESQUIRE**

For Defendant: GIBSON, DUNN & CRUTCHER  
333 South Grand Avenue  
Los Angeles, California 90071  
**BY: RICHARD J. DOREN, ESQUIRE**  
**DAN SWANSON, ESQUIRE**  
**CYNTHIA RICHMAN, ESQUIRE**  
**RACHEL BRASS, ESQUIRE**

GIBSON, DUNN & CRUTCHER, LLP  
2001 Ross Avenue, Suite 1100  
Dallas, Texas 75201  
**BY: VERONICA S. MOYE, ESQUIRE**

PAUL WEISS RIFKIND  
WHARTON & GARRISON LLP  
2001 K STREET, NW  
Washington, DC 20006  
**BY: KAREN DUNN, ESQUIRE**  
**JESSICA E. PHILLIPS, ESQUIRE**

For Defendant: PAUL WEISS RIFKIND  
WHARTON & GARRISON LLP  
943 Steiner Street  
San Francisco, California 94117  
**BY: ARPINE LAWYER, ESQUIRE**

	<b><u>Defendant's Witnesses:</u></b>	<b><u>Page</u></b>	<b><u>Vol.</u></b>
1			
2	<b><u>Hanssens, Dominique</u></b>		
3	Direct Examination by Ms. Moye	3525	14
4	Cross-examination by Ms. Moskowski	3548	14
5	Redirect Examination by Ms. Moye	3586	14
6	Recross-examination by Ms. Moskowski	3596	14
7	<b><u>Malackowski, James</u></b>		
8	Direct examination by Mr. Doren	3600	14
9	Cross-examination by Ms. Moskowski	3646	14
10	Redirect Examination by Mr. Doren	3700	14
11	Recross-Examination by Ms. Moskowski	3713	14
12	Further Redirect Examination by mr. Doren	3714	14
13	<b><u>Rubin, Aviel</u></b>		
14	Direct Examination by Mr. Lo	3717	14
15	Cross-examination by Mr. Byars	3770	14
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

**Plaintiff's Exhibits:**

1182 3716 14

1183 3716 14

5547 3716 14

5

6

7

8

**Defendant's Exhibits:**

3134 3628 14

3305 3623 14

3370 3716 14

4080 3624 14

4876 3624 14

4880 3719 14

16

17

18

19

20

21

22

23

24

25

1 THURSDAY, MAY 20, 2021

8:00 a.m.

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

3 **THE CLERK:** Calling Civil Action 20-5640, Epic Games,  
4 Inc. versus Apple, Inc.

5 Counsel, please state your appearances.

6 **MS. FORREST:** Good morning, Your Honor. Katherine  
7 Forrest for Epic.

8 **THE COURT:** Good morning.

9 Good morning, Ms. Moskowitz.

10 **MS. MOSKOWITZ:** Good morning, Your Honor.

11 **THE COURT:** Good morning, Mr. Niu.

12 **MR. NIU:** Good morning, Your Honor.

13 **THE COURT:** And, Mr. Sweeney, good morning.

14 **MR. SWEENEY:** Good morning, Your Honor.

15 **THE COURT:** Mr. Rudd, good morning.

16 **MR. RUDD:** Good morning.

17 **THE COURT:** Okay. On the Apple side, Mr. Doren.

18 **MR. DOREN:** Good morning, Your Honor.

19 **THE COURT:** And, Ms. Moye, good morning.

20 **MS. MOYE:** Good morning, Your Honor.

21 **THE COURT:** Ms. Dunn, good morning.

22 **MS. DUNN:** Good morning, Your Honor.

23 **THE COURT:** Ms. Adams?

24 **MS. DANSEY:** Ms. Dansey.

25 **THE COURT:** Ms. Dansey.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.