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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BEFORE HONORABLE DANA M. SABRAW, JUDGE PRESIDING

_____)		
WI-LAN INC.,)		
_____)		
PLAINTIFF,)	CASE NO. 14CV1507-DMS	
_____)		CASE NO. 14CV2235-DMS
VS.)		
_____)		SAN DIEGO, CALIFORNIA
APPLE, INC.,)		THURSDAY, JULY 26, 2018
_____)		
DEFENDANT.)		
_____)		
AND ALL RELATED COUNTERCLAIMS)		
_____)		

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL, DAY 4, VOLUME 4A
PAGES 572-713

PROCEEDINGS RECORDED BY STENOGRAPHY, TRANSCRIPT PRODUCED BY
COMPUTER ASSISTED SOFTWARE

MAURALEE RAMIREZ, RPR, CSR NO. 11674
FEDERAL OFFICIAL COURT REPORTER
ORDERTRANSCRIPT@GMAIL.COM

1 COUNSEL APPEARING:

2

3 FOR PLAINTIFF:

ROBERT A. COTE, ESQ.
JONATHAN R. YIM, ESQ.
KEVIN R. SCHUBERT, ESQ.
CHRISTOPHER MCNETT, ESQ.
BRETT E. COOPER, ESQ
MCKOOL SMITH
ONE BRYANT PARK, 47TH FLOOR
NEW YORK, NEW YORK 10036

7

MICHAEL MCKOOL, JR., ESQ.
ASHLEY NICOLE MOORE, ESQ.
MCKOOL SMITH
300 CRESENT COURT, SUITE 1500
DALLAS, TEXAS 75201

10

11

WARREN HENRY LIPSCHITZ, ESQ.
MCKOOL SMITH
1719 WHITTIER AVENUE
DALLAS, TEXAS 75218

12

13

STEVEN J. POLLINGER
MCKOOL SMITH
300 W 6TH STREET, SUITE 1700
AUSTIN, TX 78746

14

15

16 FOR DEFENDANT:

JOHN ALLCOCK, ESQ.
SEAN C. CUNNINGHAM, ESQ.
ERIN PAIGE GIBSON, ESQ.
JACOB ANDERSON, ESQ.
TIFFANY CAROL MILLER, ESQ.
DLA PIPER
401 B STREET, SUITE 1700
SAN DIEGO, CALIFORNIA 92101

17

18

19

20

ROBERT BUERGI, ESQ.
DLA PIPER
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CALIFORNIA 94303

21

22

23

24

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1 SAN DIEGO, CALIFORNIA - THURSDAY, JULY 26, 2018 - 9:00 A.M.

2 (CASE CALLED)

3 THE COURT: GOOD MORNING. WE HAVE COUNSEL PRESENT.
4 WE'RE OUTSIDE THE PRESENCE OF THE JURY. THERE WAS AN ISSUE WE
5 NEEDED TO ADDRESS PRIOR TO BRINGING IN THE JURY?

6 MR. CUNNINGHAM: YES, YOUR HONOR. IT RELATES TO THE
7 ISSUE WE RAISED YESTERDAY WITH REGARD TO MR. SKIPPEN'S
8 TESTIMONY. AND WE FILED A BENCH BRIEF LAST NIGHT ON THE ISSUE
9 TRYING TO SORT OF ENCAPSULATE WHAT WE THINK IS WRONG WITH WHAT
10 HE SAID. IF YOU RECALL HOW THIS GOT GOING, YOU HAD GRANTED THE
11 MOTION IN LIMINE THAT WE BROUGHT THAT SAID THEY WEREN'T
12 PERMITTED TO CAST DISPERSIONS ON THE FACT THAT WE HAD NOT
13 RECEIVED AN OPINION OF COUNSEL AND HAD NOT HAD OUR ENGINEERS
14 LOOK AT THE PATENTS AND PROVIDE ENGINEER OPINIONS. IN RESPONSE
15 TO THAT, THEY SENT YOU A LETTER ON SATURDAY URGING THAT APPLE
16 ENTER INTO A STIPULATION THAT WOULD TAKE OUT WILLFULNESS, TAKE
17 OUT INDUCEMENT, AND THEREBY REMOVE THE INTENT FROM THE CASE,
18 AND IN RETURN, WE WOULD NOT MENTION THE FACT THAT WI-LAN HAD
19 LITIGATED AGAINST APPLE IN THE PAST.

20 SO WE ULTIMATELY RESPONDED TO THAT STIPULATION BY
21 NEGOTIATING A DEAL, AND THAT DEAL GOT FILED SUNDAY NIGHT. THAT
22 DEAL CONTAINS TWO PARTS THAT ARE VERY, VERY IMPORTANT TO US,
23 ONE OF WHICH IS THAT WI-LAN WILL NOT STATE OR ARGUE THAT APPLE
24 IS THE ONLY OR RARE MOBILE DEVICE MANUFACTURER OR COMPANY THAT
25 HAS NOT ENTERED INTO A LICENSE AGREEMENT WITH WI-LAN.

1 THE OTHER PART SAYS THAT WI-LAN WON'T ARGUE THAT
2 LITIGATION WITH WI-LAN JUSTIFIES AN UPWARD ADJUSTMENT OF ANY
3 LICENSE OR THAT LITIGATION BETWEEN THE PARTIES JUSTIFIES AN
4 UPWARD ADJUSTMENT.

5 AND IF YOU HAVE SEEN OUR BENCH BRIEF, YOUR HONOR
6 YOU'LL SEE THAT WE EXCERPTED SEVERAL PASSAGES OF MR. SKIPPEN'S
7 TESTIMONY THAT SAYS JUST THAT.

8 THE COURT: I DID READ THE BENCH BRIEF. IS THIS AN
9 ISSUE WE NEED TO ADDRESS NOW?

10 MR. CUNNINGHAM: IT'S AN ISSUE WE NEED TO ADDRESS
11 BEFORE WI-LAN CLOSES ITS CASE, BECAUSE IF THERE IS TO BE
12 FURTHER TESTIMONY BY MR. SKIPPEN, WE WOULD LIKE THAT TO HAPPEN
13 IN THE CONTEXT OF THEIR CASE IN CHIEF, AND WE THINK ESSENTIALLY
14 THAT'S THE ONLY REMEDY THAT'S APPROPRIATE AT THIS POINT.
15 THEY'VE MADE THE CLEAR IMPLICATION THAT APPLE IS THE RARE -- HE
16 SAID IT TWICE -- COMPANY THAT REFUSED TO TAKE A LICENSE AND
17 THAT THEY WOULD CHARGE MORE TO A COMPANY LIKE APPLE FOR
18 LITIGATING. THAT'S WHAT HE SAID YESTERDAY.

19 THE COURT: I THINK WHAT I WOULD LIKE TO DO IS
20 COMPLETE -- BECAUSE WE HAVE A COUPLE MORE WITNESSES,
21 MR. PRINCE, AND THEN THERE'S ONE OTHER WITNESS.

22 MR. CUNNINGHAM: CORRECT, YOUR HONOR.

23 THE COURT: THEN POTENTIALLY MR. SKIPPEN; AM I
24 CORRECT?

25 MR. CUNNINGHAM: THAT'S MY UNDERSTANDING.

1 THE COURT: OKAY. SO I HAVE THE ARGUMENT IN MIND.

2 MR. CUNNINGHAM: ALL RIGHT.

3 THE COURT: OF COURSE, I WOULD LIKE TO HEAR WI-LAN'S
4 RESPONSE, AND WE CAN ADDRESS THE ISSUE PERHAPS AT THE NEXT
5 BREAK.

6 MR. CUNNINGHAM: SOUNDS GOOD, YOUR HONOR.

7 THE COURT: OKAY. LET'S GO AHEAD AND BRING THE JURY
8 IN.

9 (PAUSE IN THE PROCEEDINGS)

10 (JURY ENTERING AT 9:05 A.M.)

11 THE COURT: OKAY. GOOD MORNING, LADIES AND GENTLEMEN.
12 WELCOME BACK. WE HAVE ALL JURORS PRESENT. WE'RE GOING TO PICK
13 UP PRECISELY WHERE WE LEFT OFF YESTERDAY. WE'RE STARTING THE
14 REDIRECT NOW OF MR. PRINCE.

15 AND, SIR, I WOULD REMIND YOU THAT YOU REMAIN UNDER
16 OATH FROM YESTERDAY'S PROCEEDINGS.

17 THE WITNESS: YES, YOUR HONOR.

18 THE COURT: COUNSEL.

19 MR. YIM: THANK YOU, YOUR HONOR.

20 **REDIRECT EXAMINATION**

21 BY MR. YIM:

22 Q WELCOME BACK, PROFESSOR PRINCE.

23 A THANK YOU.

24 Q REMIND US WHERE WE LEFT OFF. COULD YOU EXPLAIN AGAIN WHY
25 YOU'RE HERE TESTIFYING IN COURT?

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