

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,)
)
 Plaintiff,)
)
 v.)
)
 LG ELECTRONICS, INC.,)
 LG ELECTRONICS USA, INC. and)
 LG ELECTRONICS MOBILECOMM U.S.A.,)
 INC.,)
)
 Defendants.)

C.A. No. 12-1595-LPS

**PUBLIC VERSION OF D.I. 272
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,)
)
 Plaintiff,)
)
 v.)
)
 APPLE INC.,)
)
 Defendant.)

C.A. No. 12-1596-LPS

**PUBLIC VERSION OF D.I. 292
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,)
)
 Plaintiff,)
)
 v.)
)
 BLACKBERRY LIMITED and)
 BLACKBERRY CORPORATION,)
)
 Defendants.)

C.A. No. 12-1597-LPS

**PUBLIC VERSION OF D.I. 204
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,
Plaintiff,
v.
MOTOROLA MOBILITY LLC
f/k/a MOTOROLA MOBILITY, INC.,
Defendant.

C.A. No. 12-1601-LPS

**PUBLIC VERSION OF D.I. 284
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,
Plaintiff,
v.
SONY MOBILE COMMUNICATIONS (USA)
INC. f/k/a SONY ERICSSON MOBILE
COMMUNICATIONS (USA) INC.,
SONY CORPORATION and
SONY CORPORATION OF AMERICA,
Defendants.

C.A. No. 12-1602-LPS

**PUBLIC VERSION OF D.I. 237
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,
Plaintiff,
v.
GOOGLE INC.
Defendant.

C.A. No. 13-919-LPS

**PUBLIC VERSION OF D.I. 288
FILED: MARCH 12, 2021**

ARENDI S.A.R.L.,
Plaintiff,
v.
OATH HOLDINGS INC. and OATH INC.,
Defendants.

C.A. No. 13-920-LPS

**PUBLIC VERSION OF D.I. 247
FILED: MARCH 12, 2021**

**DEFENDANTS' MOTION TO EXCLUDE ROY WEINSTEIN'S OPINIONS AND
TESTIMONY UNDER FED. R. EVID. 702 AND DAUBERT¹**

¹ Defendants have filed an identical Motion to Exclude Roy Weinstein's Opinions and Testimony Under Fed. R. Evid 702 and *Daubert* in each of their respective cases. The only difference is Exhibit A, which is the Roy Weinstein expert report served in each respective case.

TABLE OF CONTENTS

I. NATURE AND STAGE OF THE PROCEEDINGS 1

II. SUMMARY OF ARGUMENT 1

III. STATEMENT OF FACTS 3

IV. LEGAL STANDARDS 9

V. Mr. Weinstein’s Testimony Should Be Excluded Because His Expert Opinions Are
Improper, Unsupported and Unreliable 9

 A. Step One: Mr. Weinstein’s Analysis of the Microsoft License Lacks a Factual
 Basis 10

 B. Step Two: Mr. Weinstein Applies an Arbitrary Multiplier 13

VI. CONCLUSION..... 16

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Daubert v. Merrell Dow Pharms. Inc.</i> , 509 U.S. 579 (1993).....	<i>passim</i>
<i>Kumho Tire Co. v. Carmichael</i> , 526 U.S. 137 (1999).....	9, 12
<i>LaserDynamics, Inc. v. Quanta Comp., Inc.</i> , 694 F.3d 51 (Fed. Cir. 2012).....	9, 14, 16
<i>UGI Sunbury LLC v. A Permanent Easement for 1.7575 Acres</i> , 949 F.3d 825 (3d Cir. 2020).....	9, 14
<i>Uniloc USA Inc. v. Microsoft Corp.</i> , 632 F.3d 1292 (Fed. Cir. 2011).....	9, 14, 16
<i>Virnetx, Inc. v. Cisco Sys., Inc.</i> , 767 F.3d 1308 (Fed. Cir. 2014).....	14, 15
Other Authorities	
Fed. R. Evid. 702	<i>passim</i>

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.