

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARENDI S.A.R.L.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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) C.A. No. 13-919-JLH
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) **Original Version Filed: May 18, 2023**
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) **Public Version Filed: May 25, 2023**
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**DECLARATION OF ROY WEINSTEIN IN OPPOSITION TO
NON-PARTY APPLE INC.’S MOTION FOR SANCTIONS**

I, Roy Weinstein, declare as follows:

1. I am an economist and Managing Director at Micronomics, an economic research and consulting firm. I have been involved in economic research and consulting since 1969 and have published articles on the calculation of patent damages in les Nouvelles, the Federal Circuit Bar Journal, and the Journal of the Patent and Trademark Office Society.
2. I was engaged in the above referenced case by counsel for Arendi S.à.r.l. (“Arendi”), Susman Godfrey LLP, to serve as an expert on damages. My compensation was not dependent on the substance of my testimony or opinions, which were my own.
3. I have frequently submitted expert reports, sat for depositions, and testified at trial as an expert witness on issues related to damages. In the past 20 years, I have testified at more than 50 trials, many of which involved questions relating to patent damages.
4. In my role as an expert witness, I generally have access to confidential information, and in almost all cases, I am required to comply with a protective order governing the use of such information. I have always taken seriously my obligations under protective orders, and have never

knowingly violated a protective order. Prior to Apple's motion in the above-referenced case, I was never accused of having violated such an order.

5. During my redirect testimony on April 26, 2023, I was asked by counsel for Arendi, "Do the differences between the real-world rates that were agreed to and the hypothetical rates impact your assessment of whether your multiplier was conservative?" I understand that Apple asserts that I improperly included in my response the amount of Arendi's license agreement with Apple ("Settlement Amount") and my projection of the reasonable royalty owed in Arendi's prior lawsuit against Apple ("Damages Figure").

6. In answering counsel's question, I was focused on providing a truthful and complete answer. I did not have prior knowledge of counsel's question and my response was not rehearsed. My reference to the Settlement Amount and Damages Figure while the courtroom was unsealed was my best answer at the time to the question asked.

7. Throughout the remainder of my extended testimony, I was careful not to reference either figure until an attorney first moved to seal the courtroom. I did so pursuant to counsel's guidance before I began testifying. As far as I am aware, this testimony during spontaneous redirect examination is the sole instance of a deviation from that practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2023


Roy Weinstein