

1 ROUGH DRAFT - Goodman

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25 Case: Rembrandt v. Samsung  
Date: ovember 18, 2014

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Court Reporter's Name: Michelle A. Cox  
Firm Name: Sound Professional

♀

1 ROUGH DRAFT - Goodman

2 THE VIDEOGRAPHER: Good morni ng. Thi s i s  
3 the vi deotape operator speaki ng, Eri c Lenz of  
4 Sounds Deposi ti on Servi ce s i n Long Beach,

Goodman, David 11-18-14 ROUGH Transcript (CONF).txt  
California.

5  
6 Today's date is Tuesday, November 18,  
7 2014. The time is approximately 9:12 in the  
8 morning. We are at the offices of Dickstein  
9 Shapiro, 1633 Broadway, New York, New York, for  
10 the video deposition of Dr. David Goodman in  
11 the matter of Rembrandt Technologies, LLP,  
12 versus Samsung Electronics Company, et al.  
13 This is in the U.S. District Court for the  
14 Eastern District of Texas No. 2:13-CV-213.

15 Will counsel please introduce themselves  
16 for the record.

17 MR. ENGER: Eric Enger with Heim Payne  
18 Chorush on behalf of the plaintiff Rembrandt.

19 MR. MILLER: Jeffrey Miller of Dickstein  
20 Shapiro represents the Samsung. Defendants.

21 THE VIDEOGRAPHER: Will our court reporter  
22 Michelle Cox swear in our witness

23 DAVID GOODMAN, called as a witness, having been duly  
24 sworn by a Notary Public, was examined and  
25 testified as follows:

♀

3

1 ROUGH DRAFT - Goodman  
2 EXAMINATION BY  
3 MR. ENGER:  
4 Q Good morning.  
5 A Good morning.  
6 Q What is your name?  
7 A David Goodman.  
8 Q Where do you live Mr. Goodman?  
9 A I live in New York, 377 Rector Place.  
10 Q My name is Eric Enger. We just met for  
Page 2

11 first time today; is that correct?  
12 A That's right.  
13 Q You understand I'm an attorney for  
14 Rembrandt the plaintiff in a patent  
15 infringement case against Samsung?  
16 A Yes.  
17 Q You're here to testifying here today on  
18 behalf of Samsung, your client, correct?  
19 A Correct.  
20 Q If I ask you a question today that you  
21 don't understand will you ask me to clarify it?  
22 A Yes.  
23 Q If you don't ask me to clarify a question,  
24 is it fair that you understood it?  
25 A Yes.

♀

4

1 ROUGH DRAFT - Goodman  
2 Q Is there anything, for example,  
3 medications or illnesses that will prevent you  
4 from testifying accurately and honestly today?  
5 A There's nothing that will prevent that.  
6 MR. ENGER: Mark the first Exhibit.  
7 (Exhibit Type Exhibit  
8 No , Description ,  
9 marked for identification as of this date.)  
10 MR. MILLER: Eric Enger, I think that Dr.  
11 Goodman has a correction he has to make to his  
12 invalidity report.  
13 MR. ENGER: That's going to be the first  
14 exhibit. We'll fix that as soon as we get it  
15 out.

16 MR. MILLER: I think that you can  
17 probably . . .  
18 MR. ENGER: Mark this as at first Exhibit.  
19 (Exhibit Type Exhibit  
20 No , Description ,  
21 marked for identification as of this date.)  
22 MR. MILLER: Can I take two minutes I took  
23 something.  
24 THE VIDEOGRAPHER: We're going to go off  
25 record at 914.

♀

5

1 ROUGH DRAFT - Goodman  
2 (Recess taken.)  
3 THE VIDEOGRAPHER: Back on the record nine  
4 seep 16.  
5 Q Dr. Goodman, you realize you're still  
6 under oath?  
7 A Yes.  
8 Q Before break you mention you'd like to  
9 correct something in Exhibit 1, your invalidity  
10 report; is that correct?  
11 A That's correct.  
12 Q What is it you need to correct?  
13 A In paragraph 142 Page 149: In the first  
14 two sentences have the words first and second  
15 somehow transposed. So I'll read the correct  
16 version, and I'll try to emphasize the part  
17 that needs changing it says are claim 22 of the  
18 228 patent recites "a first portion of the  
19 second communication indicating that the first  
20 modulation method would be used for modulating  
21 the payload data in the payload portion of the  
Page 4

22 second communication. The specification  
23 however does not disclose or enable a first  
24 portion of a second communication indicating  
25 that a first modulation would be used."

6

1 ROUGH DRAFT - Goodman

2 That's it second and first were reversed.

3 Q Thank you is there any other correction us  
4 need to make to your report?

5 A No.

6 Q Let's to turn to Exhibit 11 which is  
7 Exhibit 1 which is your CV. And Page 7,  
8 please. This should list the testimony you've  
9 given in court and depositions correct?

10 A Yes.

11 Q So you've testified in a legal matter  
12 before?

13 A Yes.

14 Q How many times?

15 A Between court appearances in deposition I  
16 would say about 20.

17 Q And all those were within the last four  
18 years?

19 A No.

20 Q How many times have you testified whether  
21 court or depositions in the last four years?

22 A Looks like three times. So when I  
23 prepared this list, it must have been early in  
24 2010, because the bottom item was more than  
25 four years ago. So I have four items on

7

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