

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUMMIT 6 LLC,	(	3: 11-CV-00367-0
Plaintiff,	(	
	(	
VERSUS	(	DALLAS, TEXAS
	(	
RESEARCH IN MOTION CORP.,	(	
Defendants.	(	APRIL 4, 2013

VOLUME 1

TRANSCRIPT OF TRIAL

BEFORE THE HONORABLE REED C. O'CONNOR  
UNITED STATES DISTRICT JUDGE, and a jury

A P P E A R A N C E S:

FOR THE PLAINTIFF: THEODORE STEVENSON, III  
McKool Smith  
300 Crescent Court  
Suite 1500  
Dallas, TX 75201  
214/978-4000  
214/978-4044 FAX (fax)  
tstevenson@mckoolsmith.com

PHILLIP M. AURENTZ  
McKool Smith PC  
300 Crescent Court  
Suite 1500  
Dallas, TX 75201  
214/978-4206  
214/978-4044 (fax)  
paurentz@mckoolsmith.com

FOR THE PLAINTIFF:

ASHLEY N. MOORE  
McKool Smith PC  
300 Crescent Court  
Suite 1500  
Dallas, TX 75201  
214/978-6337  
214/978-4044 (fax)  
amoore@mckoolsmith.com

JOHN B. CAMPBELL  
McKool Smith  
300 W 6th St  
Suite 1700  
Austin, TX 78701  
512/692-8730  
512/692-8744 (fax)  
jcampbell@mckoolsmith.com

BRADLEY W. CALDWELL  
Caldwell Cassidy Curry, P.C.  
1717 McKinney  
Suite 700  
Dallas, TX 75202  
214/593-7129  
214/978-4044 (fax)  
bcaldwell@caldwellcc.com

FOR THE DEFENDANT:

JAMES R. NELSON  
DLA Piper US LLP  
1717 Main St  
Suite 4600  
Dallas, TX 75201-4605  
214/743-4512  
214/743-4545 (fax)  
j.r.nelson@dlapiper.com

FOR THE DEFENDANT:

MARK D. FOWLER  
DLA Piper LLP (US)  
2000 University Ave  
East Palo Alto, CA 94303  
650/833-2048  
650/833-2001 (fax)  
mark.fowler@dlapiper.com

CLAUDIA WILSON FROST  
DLA Piper LLP  
1000 Louisiana  
Suite 2800  
Houston, TX 77002  
713/425-8450  
713/300-6050 (fax)  
claudia.frost@dlapiper.com

ANDREW P. VALENTINE  
DLA Piper LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
650-833-2000  
650-833-2001 (fax)  
andrew.valentine@DLAPiper.com

ERIK FUEHRER  
DLA Piper US LLP  
2000 University Avenue  
East Palo Alto, CA 94303  
650/833-2045  
650/833-2001 (fax)  
erik.fuehrer@dlapiper.com

TODD S. PATTERSON  
DLA Piper LLP (US)  
401 Congress Ave  
Suite 2500  
Austin, TX 78701  
512/457-7000  
512/457-7001 (fax)  
todd.patterson@dlapiper.com

COURT REPORTER: PAMELA J. WILSON, RMR, CRR  
1100 Commerce Street, Room 1535  
Dallas, Texas 75242  
214.662.1557  
pam\_wilson@txnd.uscourts.gov

Proceedings reported by mechanical stenography,  
transcript produced by computer.

1 Mr. Nelson, did you rest in front of the jury?

2 MR. NELSON: Yes.

3 THE COURT: You did. Very good.

4 Samsung has rested and now we're in the rebuttal portion  
5 of the trial. And Summit 6 is calling Dr. Jones in the  
6 rebuttal phase of the trial.

7 And that -- that just means his testimony is limited to  
8 issues that Samsung raised in their portion of the trial that  
9 were not already addressed in Summit 6's case in chief.

10 So that -- it's just a technical way the process goes.  
11 We don't just keep it wide open, then we'd never end. It's --  
12 the trial narrows. And so he's only permitted to talk about  
13 things that were raised by Samsung in Samsung's defense. So  
14 it won't be a rehash of the earlier testimony.

15 DIRECT EXAMINATION

16 BY MS. MOORE:

17 Q. Good morning, Dr. Jones.

18 A. Good morning.

19 Q. Good to have you back.

20 I'd like to ask you about Samsung's validity challenge to  
21 the Summit 6 patent, the '482 patent.

22 A. Okay.

23 Q. What does Samsung have to show to prove invalidity of  
24 Summit 6's patent?

25 A. Well, they have to show by clear and convincing evidence

1 about.

2 Is there something in claim 38 that the Mattes patent  
3 just does not teach?

4 A. Yes.

5 In the Mattes patent what's -- what's really going on is  
6 the client, as I said, is shipping these photographs up. And  
7 this is over a -- at least portions of it, over a wireless  
8 network.

9 And what -- what happens is the server up at the -- the  
10 top end, it's looking at those images and -- and it describes  
11 them as analyzing the images.

12 So it get an image, it looks at it, it decides whether  
13 it's good enough, or too good, and then sends a message back  
14 something saying give me another one if it doesn't like what  
15 it's got

16 Q. So the server is controlling giving a thumbs-up or  
17 thumbs-down and then the server -- the phone just keeps  
18 retrying?

19 A. That's right.

20 What the server is doing it -- the server is looking at  
21 -- analyzing the image to see -- according to the  
22 specification it says, it's analyzing it to see if the image  
23 is of high enough quality and looking for things like noise in  
24 the image.

25 That's not something that is -- is -- well, that's a very

# 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.