

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE DANA M. SABRAW, JUDGE PRESIDING

\_\_\_\_\_  
QUALCOMM INCORPORATED,  
PLAINTIFF,

VS.

APPLE INCORPORATED,  
DEFENDANT.

-----  
AND RELATED COUNTERCLAIM  
\_\_\_\_\_

)  
)  
) CASE NO. 17CV1375-DMS  
)  
)

)  
) SAN DIEGO, CALIFORNIA  
) TUESDAY MARCH 12, 2019  
) 9:00 A.M. CALENDAR  
)  
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL/DAY SEVEN

VOLUME 7-A

REPORTED BY:

LEE ANN PENCE,  
OFFICIAL COURT REPORTER  
UNITED STATES COURTHOUSE  
333 WEST BROADWAY, ROOM 1393  
SAN DIEGO, CALIFORNIA 92101

QUALCOMM EXHIBIT 2006

COUNSEL APPEARING:

FOR PLAINTIFF:

DAVID AARON NELSON, ESQ.  
QUINN EMANUEL URQUHART &  
SULLIVAN  
191 NORTH WACKER DRIVE 2700  
CHICAGO, ILLINOIS 60606

SEAN PAK, ESQ.  
MICHELLE ANN CLARK, ESQ.  
QUINN EMANUEL URQUHART &  
SULLIVAN  
50 CALIFORNIA STREET FLOOR 22  
SAN FRANCISCO, CALIFORNIA 94111

SCOTT L. WATSON, ESQ.  
VALERIE A. LOZANO, ESQ.  
QUINN EMANUEL URQUHART &  
SULLIVAN  
865 SOUTH FIGUEROA STREET  
10TH FLOOR  
LOS ANGELES, CALIFORNIA 90017

FOR DEFENDANT:

NINA S. TALLON, ESQ.  
WILMER CUTLER PICKERING HALE &  
DORR  
1875 PENNSYLVANIA AVENUE  
NORTHWEST  
WASHINGTON, DC 20006

JOSEPH J. MUELLER, ESQ.  
WILMER CUTLER PICKERING HALE &  
DORR  
60 STATE STREET  
BOSTON, MASSACHUSETTS 02109

JUANITA R. BROOKS, ESQ.  
FISH & RICHARDSON  
12390 EL CAMINO REAL  
SAN DIEGO, CALIFORNIA 92130

1 DIEGO, CALIFORNIA - TUESDAY, MARCH 12, 2019 - 8:47 A.M.

2 \* \* \*

3 (WHEREUPON THE FOLLOWING PROCEEDINGS WERE HELD  
4 IN OPEN COURT, OUT OF THE HEARING OF THE JURY)

5 **THE CLERK:** NO. 1 ON CALENDAR, CASE NO. 17CV1375,  
6 QUALCOMM INCORPORATED VERSUS APPLE INCORPORATED; JURY TRIAL,  
7 DAY SEVEN.

8 **THE COURT:** GOOD MORNING.

9 WE HAVE COUNSEL AND PARTIES PRESENT. WE ARE OUTSIDE  
10 OF THE PRESENCE OF THE JURY.

11 WE ARE READY TO DISCUSS THE ISSUES WITH RESPECT TO  
12 DR. RINARD, AM I CORRECT?

13 **MR. MUELLER:** YES, YOUR HONOR.

14 **THE COURT:** I HAVE READ ALL OF THE BRIEFING, WHICH I  
15 APPRECIATE IT. IT IS AMAZING THE QUANTITY AND QUALITY OF  
16 BRIEFING THAT IS PRODUCED IN SUCH A SHORT PERIOD OF TIME.

17 BASED ON THE SUBMISSION AND THE TRANSCRIPTS,  
18 INCLUDING THE REPORT OF DR. RINARD AND THE DEPOSITION, I WOULD  
19 BE INCLINED TO OVERRULE THE OBJECTION.

20 I THINK HIS TESTIMONY IS CONSISTENT. IT IS NOT NEW,  
21 IT IS CONSISTENT WITH WHAT HE HAS PREVIOUSLY PLACED IN HIS  
22 REPORT OR IN DEPOSITION.

23 DO YOU SUBMIT ON THAT, OR DO YOU HAVE ANY ADDITIONAL  
24 ARGUMENT?

25 **MR. MUELLER:** YOUR HONOR, IF I COULD, JUST BRIEFLY

MARCH 12, 2019

1 JUST FOR THE RECORD.

2 **THE COURT:** YES.

3 **MR. MUELLER:** AS TO A COUPLE POINTS.

4 THIS FIRST IS, WE DON'T THINK THIS PARTICULAR  
5 ARGUMENT WAS DISCLOSED, BUT WE WILL JUST MAINTAIN THAT FOR THE  
6 REASONS WE SET OUT IN OUR PAPERS.

7 I DO JUST WANT TO PUT, AGAIN, ON THE RECORD THE  
8 REASONS WHY THIS CLAIM CONSTRUCTION IS SIMPLY WRONG.

9 IF I COULD VERY, VERY BRIEFLY TAKE YOUR HONOR  
10 THROUGH IT.

11 **THE COURT:** YES.

12 **MR. MUELLER:** IF WE GO TO CLAIM 1. THE ARGUMENT  
13 THAT WE ARE CONCERNED WITH, YOUR HONOR, IS DR. RINARD'S  
14 ATTEMPT TO TAKE LANGUAGE FROM THE FIRST CLAUSE BELOW SECONDARY  
15 PROCESSOR, AND THIS IS SYSTEM MEMORY IN A HARDWARE BUFFER.  
16 AND HE HIGHLIGHTED, IN WHAT WE BELIEVE IS A NEW OPINION, THIS  
17 PHRASE, AT LEAST ONE DATA SEGMENT OF AN EXECUTABLE SOFTWARE  
18 IMAGE.

19 AND THAT WAS THE ARGUMENT THAT WE BELIEVE WAS NEW.  
20 HE TOOK THAT AND HE SAID WELL, THAT CARRIES THROUGH, THROUGH  
21 THE REST OF THE CLAIM. AND UNDER HIS INTERPRETATION WOULD  
22 MEAN THERE NEED ONLY BE -- ACTUALLY HE SAYS TWO -- DATA  
23 SEGMENTS THAT ARE TRANSMITTED. THE AT LEAST ONE LANGUAGE, AND  
24 THEN HE COUPLES THAT WITH THE SCATTER LOADING CONCEPT TO SAY  
25 THERE NEEDS TO BE TWO, BUT ONLY TWO. AND THAT OTHER DATA

MARCH 12, 2019

1 SEGMENTS NEED NOT MEET THE RESTRICTIONS OF THE CLAIM.

2 THE PROBLEM WITH THAT IS THE NEXT CLAUSE, THE  
3 SCATTER LOADER CONTROLLER, IS A SEPARATE COMPONENT WITHIN THE  
4 SYSTEM. AND IT EXPLICITLY REQUIRES THAT IT BE CONFIGURED, THE  
5 SCATTER LOADER CONTROLLER BE CONFIGURED TO SCATTER LOAD EACH  
6 RECEIVED DATA SEGMENT.

7 AND IT CONTINUES IN A PARTICULAR FASHION.

8 THAT IS A REQUIREMENT FOR THE SCATTER LOADER  
9 CONTROLLER CONFIGURATION. IT IS EXPRESS, IT IS UNAMBIGUOUS.

10 THE CASE THAT THEY RELIED ON IN THE BRIEFING TO YOUR  
11 HONOR LAST NIGHT, PROPRIETECT LP VERSUS JOHNSON CONTROLS.  
12 THIS IS 2013 WESTLAW 6795238 STATES -- AND I AM QUOTING HERE  
13 FROM PAGE 10 IN THE WESTLAW OPINION.

14 THE COURT THERE WAS RELYING ON THIS TERM, EACH  
15 GROOVE, AND SAID IT APPEARS AFTER THE PHRASE A PLURALITY OF  
16 GROOVES -- AND HERE IS THE KEY -- NEVER IN A SEPARATE CLAUSE  
17 OR ON ITS OWN. AND IT DISTINGUISHED THE APPLE CASE THAT WE  
18 CITED TO YOUR HONOR IN OUR BRIEF ON THE BASIS THAT HERE EACH  
19 GROOVE APPEARS IN THE SAME CLAUSE.

20 THAT IS NOT WHAT WE HAVE HERE IN CLAIM 1. THERE IS  
21 A SEPARATE CLAUSE FOR THE SCATTER LOADER CONTROLLER. IT IS  
22 REQUIRED BY THAT CLAUSE THAT THE SCATTER LOADER CONTROLLER BE  
23 CONFIGURED TO SCATTER LOAD EACH RECEIVED DATA SEGMENT.

24 AND THE ARGUMENT THAT IS BEING PRESENTED NOW IS THAT  
25 THE SCATTER LOADER CONTROLLER COULD MEET THAT REQUIREMENT BY

MARCH 12, 2019

# 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.