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CyWee’s experts Dr. Joseph LaViola and Dr. Donald Brown offer opinions regarding (1) functionality of third-party applications based on Dr. Brown’s testing; (2) benefits of improvements to accuracy allegedly provided by U.S. Patent Nos. 8,441,438 (the “’438 Patent”) and 8,552,978 (the “’978 Patent”) (collectively, the “Patents-in-Suit”) over prior approaches; and (3) Samsung’s alleged intent to induce infringement. However, neither Dr. LaViola nor Dr. Brown is qualified to offer opinions on those issues, and their opinions on those issues are not based on reliable principles or methods. Accordingly, those opinions should be excluded for failing to meet the standard of admissibility for expert opinion testimony.

I. BACKGROUND

A. Opinions Based on Testing of Third-Party Applications

In Dr. Brown’s expert report, he provides opinions relating to the testing of third-party applications installed on the Accused Products,¹ namely Star Walk 2, Google Maps, Pokémon Go, and Shooting Showdown (collectively, the “Tested Apps”). He opines that the Tested Apps may access the base sensors, which are inertial or motion sensors, or composite sensors in the Accused Products. Ex. 1 ¶¶ 37–38, 44, 79, 87, 92, 96. He explains that he used the “Android Debug Bridge” (“ADB”) tool to run “adb shell dumpsys sensorservice,” which “can be used to obtain details about the base and composite sensors available on an Android device” *Id.* ¶¶ 58, 59.

Dr. LaViola states that he reviewed Dr. Brown’s report and relies on Dr. Brown’s opinions and testing to opine that each of the Tested Apps, when run on the Accused Products, infringes the Patents-in-Suit. Ex. 2 ¶¶ 58–60.

¹ Accused Products refers to all Samsung devices that CyWee accuses of infringing the Patents-in-Suit in this case.

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