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 1                    IN THE UNITED STATES DISTRICT COURT
                     FOR THE EASTERN DISTRICT OF TEXAS
 2                           TEXARKANA DIVISION


 3
    MAXELL, LTD.                        )
 4                                            DOCKET NO. 5:16cv179
         -vs-                           )
 5                                            Texarkana, Texas
                                        )  1:17 p.m.
 6  ZTE USA, INC.                             June 25, 2018


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                             TRANSCRIPT OF TRIAL
 8                          AFTERNOON SESSION
              BEFORE THE HONORABLE ROBERT W. SCHROEDER III,
 9                     UNITED STATES DISTRICT JUDGE,
                             AND A JURY
10

11                     A P P E A R A N C E S

12
    FOR THE PLAINTIFF:
13

14  MR. JAMIE B. BEABER
    MAYER BROWN LLP
15  1999 K Street, NW
    Washington, DC 20006
16

17  MR. GEOFFREY P. CULBERTSON
    PATTON TIDWELL & CULBERTSON, LLP
18  2800 Texas Blvd.
    Texarkana, TX 75503
19

20  COURT REPORTER:          MS. CHRISTINA L. BICKHAM, RMR, CRR
                             FEDERAL OFFICIAL COURT REPORTER
21                           300 Willow, Ste. 221
                             Beaumont, TX 77701
22

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 1    FOR THE PLAINTIFF:


 2
      MR. ALAN GRIMALDI
 3    MR. KFIR B. LEVY
      MR. JAMES A. FUSSELL III
 4    MR. BRYAN C. NESE
      MR. WILLIAM J. BARROW
 5    MS. TIFFANY MILLER
      MR. BALDINE B. PAUL
 6    MR. SAQIB J. SIDDIQUI
      MR. CLARK S. BAKEWELL
 7    MAYER BROWN LLP
      1999 K. Street, NW
 8    Washington, DC 20006


 9


10


11    FOR THE DEFENDANT:


12
      MR. ERIC H. FINDLAY
13    FINDLAY CRAFT PC
      102 N. College Ave., Ste. 900
14    Tyler, Texas 75702


15
      MS. CALLIE A. BJURSTROM
16    MR. HOWARD N. WISNIA
      MS. NICOLE S. CUNNINGHAM
17    MR. SARA J. O'CONNELL
      PILLSBURY WINTHROP SHAW PITTMAN LLP
18    501 W. Broadway, Ste. 1100
      San Diego, CA 92101-3575
19


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 1                     P R O C E E D I N G S
 2              (Jury out.)
 3              COURT SECURITY OFFICER:  All rise.
 4              THE COURT:  Let's have the jury brought down.
 5              (Pause in proceedings.)
 6              COURT SECURITY OFFICER:  Please rise for the jury.
 7              (Jury in.)
 8              THE COURT:  Mr. Wisnia, you may continue.
 9              MR. WISNIA:  Thank you, Your Honor.
10              Can you bring up Slide 2?
11  JOSHUA PHINNEY, PH.D., PLAINTIFF'S WITNESS, PREVIOUSLY SWORN
12                  CROSS-EXAMINATION (CONTINUED)
13  BY MR. WISNIA:
14  Q.   All right, sir.  You talked quite a bit about claim 1 of
15  the '794 patent, during your direct examination, right, sir?
16  A.   Yes.
17  Q.   And I've got to be honest, this is a little bit like a
18  logic or a word problem.  Would you agree with me, sir?
19  A.   I don't know if I agree with it exactly, but, yeah, I
20  see what you're saying.
21  Q.   There's a lot of different rules that you have to
22  satisfy to meet this claim?
23  A.   Yeah, these limitations set forth in the words of the
24  claim.
25  Q.   Okay.  And I want to talk through with you some of the
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 1   requirements or, I think, rules of claim 1, if we could, okay

 2   sir?

 3   A.   Okay.

 4   Q.   All right.

 5   MR. WISNIA: Your Honor, may I approach the paper

 6   there?

 7   THE COURT: You may.

 8   MR. BARROW: May I stand in the front?

 9   THE COURT: You may.

10   MR. BARROW: Thank you.

11   Q.   (By Mr. Wisnia) All right. So can we agree that the

12   controller controls operation of function devices based on

13   remaining capacity?

14   A.   Yes. That is in that limitation 1(b).

15   Q.   Okay. So I'm going to put that as rule 1. Controller

16   controls operation of function devices based on remaining

17   capacity.

18   Is that readable from where you're sitting, sir?

19   A.   Yes, it is.

20   Q.   Okay. Good.

21   Can we also agree that there's a rule that there

22   has to be two sets of devices?

23   A.   You know, it looks like we're rewriting the claim, but I

24   think I see what you mean. Yes, there's a set GA and a set

25   GB.

 1 Q.   Okay. So two sets of devices, GA and GB.

 2   All right. Can we agree that all devices in GA

 3 have to receive a power consumption reduction instruction?

 4 A.   Yes. Here, I'm reading that the controller sends a

 5 power consumption reduction instruction to each function

 6 device included in a set GA if NA is detected.

 7 Q.   So that means all of them, right? Each and every one of

 8 them that's in GA?

 9 A.   To each function device in the set GA, that would --

10 that would mean to each in our set GA, yeah. What you're

11 saying seems to express the same thing.

12 Q.   Great. So we agree.

13 A.   Okay. What were your words exactly, though?

14 Q.   All devices in GA receive a power consumption reduction

15 instruction.

16 A.   Right. And I'm -- you know, just the limitation here

17 reads: If any is detected. I'm just trying to keep the

18 clause together. But I see what you're saying.

19 Q.   Okay. So all devices in GA receive a power consumption

20 reduction instruction.

21   All right. Cover your left eye and see if you can

22 read that.

23 A.   I believe I can, yes.

24 Q.   Okay. Good.

25   And we have the same rule with respect to all the

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