

EXHIBIT 31 REDACTED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MAXELL, LTD.,)
Plaintiff,)
vs.) Case No.
APPLE, INC.,) 5:19-cv-00036-RWS
Defendant.

TELEPHONIC DEPOSITION UPON ORAL EXAMINATION OF
CARLA MULHERN

(CONTAINS CONFIDENTIAL TESTIMONY SUBJECT TO PROTECTIVE
ORDER AND FOR ATTORNEYS' EYES ONLY)

8:58 a.m.
June 24, 2020

REPORTED BY: SHARON PEARCE, RMR, CRR, CRC, NYRCR
(TELEPHONIC APPEARANCE)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

FOR THE PLAINTIFF:

KFIR B. LEVY, ESQ.
TIFFANY A. MILLER, ESQ.
ALAN GRIMALDI, ESQ.
MAYER BROWN LLP
1999 K St. NW
Washington, DC 20006
202.263.3298
klevy@mayerbrown.com
tmiller@mayerbrown.com
agrimaldi@mayerbrown.com

(Telephonic appearance)

FOR THE DEFENDANT:

BRETT J. WILLIAMSON, ESQ.
O'MELVENY & MYERS LLP
610 Newport Center Dr 17th Floor
Newport Beach, CA 92660
949.823.6900
bwilliamson@omm.com

(Telephonic appearance)

ALSO PRESENT: Dr. Itamar Simonson

1 paragraph 74 of your report, Exhibit 332.

2 Do you have that before you,
3 Ms. Mulhern?

4 A. I'm getting there. Yes.
5 Paragraph 74. Yes.

6 Q. The first sentence of
7 paragraph 74 reads, "For most real-world
8 licenses and reasonable royalty damages
9 awards, compensation is provided by one or
10 both of a lump sum payment and a
11 royalty -- and a running royalty based on
12 sales, revenues, or units."

13 Did the calculation you
14 performed as shown on Exhibit 4 of your
15 expert report embody a royalty that was
16 based on unit sales?

17 A. Yes.

18 Q. Is the calculation that you
19 performed as embodied in Exhibit 4 of your
20 expert report in your view as an expert
21 any different than the calculation of a
22 running royalty based on the units
23 information provided by Apple?

24 MR. LEVY: Objection to form.

25 A. Would you mind repeating that

1 question?

2 Q. Sure. Is the calculation that
3 you performed as embodied in Exhibit 4 of
4 your expert report any different than what
5 you've described here in paragraph 74 as
6 the calculation of a running royalty based
7 on the units information provided by
8 Apple?

9 A. I think it is fair to say that
10 my damages calculations are based on a
11 running royalty calculated as a fee per
12 unit applied to the number of units sold
13 by Apple of the accused product.

14 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

