

# EXHIBIT 9

Transcript of the Testimony of **Paradiso,  
Joseph A.**

**Date:** June 16, 2020

**Case:** 0027559-00428 - [Apple] Maxell\_Depo

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

-----x  
MAXELL, LTD., :  
Plaintiff, : Civil Action Number  
vs. : 5:19-civ-00036  
APPLE INC., :  
Defendant. :  
-----x

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DEPOSITION OF JOSEPH A. PARADISO

Telephonic Deposition  
Tuesday, June 16, 2020

REPORTED BY:  
CARMEN SMITH

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1 Deposition of JOSEPH A. PARADISO, called  
2 for examination pursuant to notice of  
3 deposition, on Tuesday, June 16, 2020, at 11:05  
4 a.m., before CARMEN SMITH, a Notary Public  
5 within and for the District of Columbia, when  
6 were present on behalf of the respective  
7 parties:  
8  
9 SAQIB J. SIDDIQUI, ESQ.  
10 Mayer Brown LLP  
11 1999 K Street, NW  
12 Washington, DC 20006  
13 202-263-3000  
14 ssiddiqui@mayerbrown.com  
15 On behalf of Plaintiff Maxell  
16  
17 MARK LIANG, ESQ.  
18 O'Melveny & Myers LLP  
19 Two Embarcadero, 28th Floor  
20 San Francisco, California 94111  
21 415-984-8882  
22 mliang@omm.com  
23 On behalf of Defendant Apple  
24  
25

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1 PROCEEDINGS  
2 Whereupon,  
3 JOSEPH A. PARADISO  
4 was called as a witness and, having first been  
5 duly sworn, was examined and testified as  
6 follows:  
7 EXAMINATION  
8 BY MR. SIDDIQUI:  
9 Q Good morning, Dr. Paradiso. How are  
10 you doing today? 11:05:46  
11 A I'm doing well. How are you doing?  
12 Q Good, good, good. Can you please  
13 just state your full name for the record.  
14 A My name is Joseph A. Paradiso.  
15 Q And can you provide your office 11:05:58  
16 address, please.  
17 A My home office or my office at MIT?  
18 Q Home office works.  
19 A Okay. That's 77 Shepherd Road in  
20 Medford, Massachusetts. That's where I am now. 11:06:18  
21 Q Perfect. I believe we have met  
22 before in person for a deposition, so I'm sure  
23 you -- you're aware of the basic rules for  
24 depositions. We're doing it a little bit  
25 differently this time, over the phone. But 11:06:35

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1 just wanted to -- so that's why it's even more  
2 important that can you please speak audibly for  
3 the court reporter and enunciation is really  
4 important, and try to keep that in mind that  
5 she's -- you know, these are technical terms, 11:06:53  
6 so try to like -- I'm sure she will slow you  
7 down, but like -- and slow me down, but just  
8 keep that in mind, please, as a courtesy, that  
9 would be great.  
10 If you don't understand a question or 11:07:04  
11 if I'm not clear, please let me know. You  
12 know, it could be that I just -- connection  
13 dropped or something like that. So just let's  
14 keep all that in mind.  
15 I'll do the best not to interrupt you 11:07:17  
16 and it would be good if you do the same, and  
17 let's try not to speak over each other, also  
18 giving your counsel time to object.  
19 Is there any reason you cannot  
20 testify truthfully today? 11:07:33  
21 A No, there's no reason.  
22 Q Since your last deposition for this  
23 case, have you been deposed again?  
24 A No.  
25 Q Okay. I'd like to -- oh, one -- 11:07:49

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1 sorry, before we get started, the parties had  
 2 some agreement with respect to these remote  
 3 depositions we're conducting as part of that.  
 4 Were you able to receive files, a collection of  
 5 exhibits yesterday? 11:08:12  
 6 A Yes, there's a folder on my desktop  
 7 waiting, so it's there.  
 8 Q Perfect. Were you able to download  
 9 everything correctly?  
 10 A It seems. We will find out, but the 11:08:20  
 11 download went smoothly.  
 12 Q Okay. Perfect. And I take it from  
 13 your answers that you didn't take a look at the  
 14 exhibits, so that's part of the parties'  
 15 agreement. I appreciate that, thank you so 11:08:35  
 16 much.  
 17 A I did not. Thank you.  
 18 Q Can you -- in the list of exhibits,  
 19 can you please turn to, there's a document  
 20 dated 20-25-07 Paradiso RPT, Exhibit A- -- 11:08:48  
 21 A That's my invalidity report; correct?  
 22 Q No, I'm going to a portion of that,  
 23 which is the CV that was -- the CV to your  
 24 report.  
 25 A Yes, I do -- that was sent to us also 11:09:13

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1 didn't add some of my newer committees. I went  
 2 through much more carefully a couple months  
 3 ago, a month ago, and fleshed that out. Of  
 4 course, we've published more papers, we have  
 5 more patents allowed. So there's always more 11:10:32  
 6 to add in the CV. And I still have to add info  
 7 on the students that have graduated with me,  
 8 students I've read on different thesis. There  
 9 are many of those that will take some time.  
 10 But in terms of publications, in 11:10:47  
 11 terms of talks, in terms of, you know, patents,  
 12 committees, it's more or less up-to-date.  
 13 There's always more, but it's -- it's a decent  
 14 snapshot.  
 15 Q Sounds good. Did you do anything to 11:11:00  
 16 prepare for today's deposition?  
 17 A Oh, I reviewed the material.  
 18 Q Did you meet with anybody in person?  
 19 A No.  
 20 MR. LIANG: I'll just step in here 11:11:16  
 21 and just caution the witness not to disclose  
 22 any privileged communications with counsel.  
 23 But otherwise, you can discuss just generally  
 24 who you met with, how long and other facts.  
 25 THE WITNESS: Sure. I met with 11:11:30

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1 on paper, and I always prefer paper because I  
 2 hate looking at things. I believe your witness  
 3 did the same. So I have it here. It's much  
 4 easier for me to flip through, so if that  
 5 works, that's fine. So I have an Exhibit A 11:09:26  
 6 open.  
 7 Q Yeah, that's not a problem. I assume  
 8 you don't have any annotations or anything like  
 9 that?  
 10 A No, there's nothing like that. I 11:09:36  
 11 think the vanilla stuff that the attorneys gave  
 12 me is here with no modification.  
 13 Q Sure. I think -- so do you have in  
 14 front of you Exhibit A of your report, which is  
 15 your CV? 11:09:50  
 16 A Yes, I do.  
 17 Q Is this the most recent and complete  
 18 version of your CV?  
 19 A This is the most recent one that I've  
 20 completed. 11:09:59  
 21 Q Okay. Have there been -- have there  
 22 been any changes to your CV since we last spoke  
 23 for claim construction deposition?  
 24 A Oh, the CV that I gave you at that  
 25 time had very coarse additions for papers. I 11:10:14

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1 nobody in person.  
 2 BY MR. SIDDIQUI:  
 3 Q Okay. Did you speak with anybody  
 4 over the phone or --  
 5 A Yes. 11:11:37  
 6 Q -- or via video conference?  
 7 A Yes, few of us are meeting in person  
 8 now. But I spoke with some of the attorneys  
 9 from OMM the last few days.  
 10 Q When you say "last few days," can you 11:11:53  
 11 tell me roughly how many -- which days you're  
 12 talking about?  
 13 A Oh, a couple of days, maybe Friday,  
 14 maybe Sunday.  
 15 Q You're not sure? 11:12:12  
 16 A Friday and Sunday, yes. Friday and  
 17 Sunday I did speak with attorneys.  
 18 Q Okay. And who did you speak with, do  
 19 you recall?  
 20 A I spoke with the attorneys that are 11:12:24  
 21 on the call now, Mark Liang and Luann Simmons.  
 22 Q Did you speak with anybody else?  
 23 A Those are the attorneys that I --  
 24 that I spoke with.  
 25 Q Sure. Did you speak with anybody 11:12:37

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1 from Apple?  
 2 A No, I didn't.  
 3 Q Did you speak with Dr. Kotzin, who is  
 4 Apple's expert for the IPR of these patents?  
 5 A I have never spoken with him. 11:12:51  
 6 Q Okay. Did you review any of  
 7 Dr. Rosenberg's expert reports as part of your  
 8 preparation?  
 9 A I reviewed his expert reports, not as  
 10 part of my preparation necessarily. I have 11:13:07  
 11 reviewed his rebuttal report as well, and I  
 12 don't know if I'd say that was for my  
 13 preparation either.  
 14 Q Okay. Did you review the declaration  
 15 of Dr. Kotzin that he submitted to the PTAB 11:13:22  
 16 with respect to these patents?  
 17 A I have looked at it, but I have not  
 18 closely reviewed it, as I don't really use it  
 19 very much in my opinions. I don't really use  
 20 it at all, I don't think. 11:13:35  
 21 Q And did you -- did you review  
 22 Dr. Kotzin's declaration submitted in the PTAB  
 23 prior to submitting your validity report in  
 24 this case?  
 25 A I flipped through, but I haven't 11:13:45

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1 A Yes, I recognize my rebuttal report  
 2 to the infringement.  
 3 Q Did you write this document?  
 4 A Yes, I did.  
 5 MR. LIANG: Objection, form. 11:15:12  
 6 Objection; calls for privileged information and  
 7 we object, under the discovery order.  
 8 BY MR. SIDDIQUI:  
 9 Q Who helped you prepared this  
 10 document, Dr. Paradiso? 11:15:20  
 11 MR. LIANG: Objection. Objection;  
 12 calls for privileged information under the  
 13 discovery order.  
 14 THE WITNESS: This document contains  
 15 all of my opinions, and I own this document. 11:15:28  
 16 This is my document.  
 17 BY MR. SIDDIQUI:  
 18 Q How long did you spend preparing this  
 19 document?  
 20 A Oh, this document, I did this 11:15:37  
 21 document over several weeks.  
 22 Q Do you have a rough estimate of how  
 23 much time you spent on drafting this report?  
 24 A Oh, many tens of hours. I don't  
 25 remember exactly how many. 11:15:54

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1 looked at it.  
 2 Q Can we go to -- I believe we're going  
 3 to turn to your noninfringement rebuttal  
 4 report, please.  
 5 A Sure. 11:14:04  
 6 Q It's in the folder, but if you'd  
 7 prefer to refer to it in paper, that's  
 8 completely fine.  
 9 A Yeah. I have that here.  
 10 Q Let me know when you're ready. 11:14:12  
 11 A I have it here.  
 12 MR. SIDDIQUI: Okay. Perfect.  
 13 So for, I think just to clarify, for  
 14 the record, I would like to mark Dr. Paradiso's  
 15 CV as Paradiso Exhibit 1. 11:14:24  
 16 (Paradiso Exhibit 1 identified.)  
 17 MR. SIDDIQUI: And I would like to  
 18 mark Dr. Paradiso's "REBUTTAL EXPERT REPORT  
 19 REGARDING NON-INFRINGEMENT OF U.S. PATENT  
 20 NUMBERS 6,748,317, 6,580,999, 6,430,498" as 11:14:40  
 21 Paradiso Exhibit 2.  
 22 (Paradiso Exhibit 2 identified.)  
 23 BY MR. SIDDIQUI:  
 24 Q Dr. Paradiso, do you recognize  
 25 Paradiso Exhibit 2? 11:14:59

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1 Q And what's your current billing rate?  
 2 A \$600 an hour.  
 3 Q And when you say "many tens of  
 4 hours," do you include the time you spent  
 5 reviewing Dr. Rosenberg's infringement report 11:16:09  
 6 in that time, or are you just talking about the  
 7 time you spent on actually writing the rebuttal  
 8 report?  
 9 A That's the time I spent developing  
 10 the arguments in this report and putting it 11:16:19  
 11 together, yes. Rosenberg's infringement  
 12 report, that was a while back when it was  
 13 served, but yeah, that would be -- that would  
 14 be included in those.  
 15 Q Did you -- did you study everything 11:16:39  
 16 in Dr. Rosenberg's report prior to drafting  
 17 your rebuttal report?  
 18 A I went through it. I went through  
 19 it.  
 20 Q Did you feel like you had enough 11:16:50  
 21 time --  
 22 MR. LIANG: If we could pause, you're  
 23 not putting my objections in. Objection to the  
 24 last two questions. And also, just -- we'll  
 25 just try to pause before answering, maybe that 11:17:09

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