

Monday Days MS v. MT

arrived 8:44 am.

Design of judge, 3rd Party hearings are presumably in this room.

26 behind the gate

8:45 am Judge arrives.

MS people, MT people introduce themselves (I think MT person).

Wide spread belief that 1st. court judges all powerful, feel const by 4th circ ~~same~~

confed

4th dec's in ~~the~~ is simply wrong as has expl previously. Phil in this dist will no longer enter ^{the orders.} protecting private agreements. MT

Public has a right to know basis for

Nothing in record to justify sealing records other than MT's agreement with 3rd parties. 4th's circuit

"People

+ treat lic agreements as sealed. expect redacted entire ~~of~~ than price / % guar min payments. Remainder in public record.

Reluct compelled to seal courtroom when discussed. Persuaded that part/sealing to use should not be encumbered

will add note. contrary to pos taken by at least one party. Set Roy rate neg use G.P. factors. Say lookout other lic agreements as primary

It shelters vertens heart and soul of lic terms.

each part set forth pet theory. ICNher etc in opening. G.P. has a roll.

muttering into Jenner's car Pepe?
Sealed but part of record for

Asian Soft ~~is~~ RIM.

Just price / 3 terms.

Additional ~~price~~ terms.

COMPET sensitive to RIM. (Want those parts sealed).
What authority? Cite bus sensitive, tech, confid info.

There is business sensitive information and will be competit
harmful. Won't seal entire document. Blentzet reselection of
idea these are so secret.

"Don't believe

Touderi-? wrong Dinterburger?

Paul Zmedan - Samsung.

Also Samsung's pos, like RIM

RIM's what's / is not being licensed is sensitive.

If someone contends whether stuff is licensed.

Other non monetary terms. Permits characterizing what
licenses may / not cover. Harmful stuff.

"Let me stress again, the fact that it is sensitive is
not 8th circuit" 9th circuit is comp harm, not comp
sensitive.

MT withdrawing subpoena "someone going to be spending TG in
jail" "Very wise." Mr. somebody didn't get

name of who subpoena was for.

↳ Caramura

Gave court of what they + what's sealed.

Intention that any version used will provide redacted version.

Ms. Rogers & MS
be admis

List of exhibits with depositions. Move + case

1, 2, 123, 1585, 2041, 2366^v, 2367, 2368,
2369, 2371^v, 2372, 2373, 2377^v, 2840, 3081

MS 4 of these (icked are sealed).

NT has announced dep.

#16 - prop Marvell v MT license. Conf. Marvell doesn't
+ hint confidential.

Provide redacted versions of something.

Want to conf that full version of docs will be in Record, redacted in
Public record.

"With some ~~agreement~~ MT says 12 witnesses"
with drew Mr. Heiner told MS yesterday.

Orchard in today

Luthra, Draebich, Orch, Williams, Smolensky, Sugama, Orch. ^{& rebuttal.}
Mr. Taylor, Kowalski want behave.

Telling MS isn't informing the court. Court has work too.
Court wasted time preparing.

"Pretty astounded that council of this caliber" can't get
act together. ↩

I'm not sure court told MT to ~~be~~ tell
court list beyond Monday, rather tell MS as soon as

Mr. Caravana

Caravana = subpoena person → nice Mr. MT counsel

Dr. Luthra. - prior MT participants in JUT meetings, and rep
on results. → MS counsel.

420 - Feb 5, 2002 on second JUT meeting in Geneva.

2nd para. First line successfully got out; spott into things. One of
main contributors. Is there are others.

"major victory..."

H.264 has been around for quite a number of years.

Many companies but not including MT has been involved from very beginning.
By MT here mean this division, MT BCS.

Those companies have lots of IP. No IPM before Feb 2002. Where as in MT
means MT BCS, and tools near interced video in that context.

"we are a late bird". - we were in H.264 from day 1 when H.264
itself formally started. ITU-T has been focusing on video conferencing
and video phones. were focused on D-TV, other parts of MT
foc on phone. we were on MPEG, we didn't focus on our.

requirements. If started with H.26L might have gotten interlaced
again from beginning.

Submitted first contrib Dec 2001. Joined ^{JVT meetings} Sept 2001.
Nuthra didn't give patents to other part. "we are not allowed to discuss
any of those terms" .. lic pricing. Didn't say ^{would charge} 2.25% etc.

Dr. Brewster → Fujitsu laptop guy explains why he didn't know about the
water on Friday. → normal water for MT + day.
Timothy, John, Drabick
B.S. EE, MS, Rosehdman '82, '92 M.E. Phd engineering.

In 80s in Bell Labs, prot Fiber to home, Triplay.

1990s before. EECE Georgia Tech prot. Stanford visiting prof.
Optics, micro, processor mem techniques, NASA D PL, Sun, cons

2202 - CV. (he had his own box of binders, first 4000).

Familiar with H.264. Testified before ITC.
MS was just confused by getting a box behind them.

1. MT has 16 patents. SEI → all claims prac.
 2. MI's ^{H.264} patents port + follow IS tech. valuable.
 3. MS's products use H.264 stuff from MT, Windows/Xbox.
 - 4.
 5. MI's portfolios ^{as valuable} or more valuable than MS's H.264 ones.
- Substantially important bits -

5048. - MI's H264 pats are tech valuable. Deal with core elements.

Krauss patent family. → stuff about multiple encoders. Underlies any other
adaptive prediction. Different motion better predicted by different motion compensation.

Any decoder that practices H.264 P or i must use (Krauss - (Prior art then?)).

WV Patent Family. → value considerable. Everyone ^{H.264 decoder} must use this,
whether P or i.

5051 - Eifrig - spatial prediction of motion vectors. Making motion
predictors. Give good basis for predicting things.
Core element whenever interlaced involved. Improves coding eff.

5052 ~~patent~~ MB AFF. 596 patent. Useful for smoothly moving things.

MS has been whispering to each other.

5053 - '087 patent. Has 2 MV's both can point to future on Pass, improvement over PA which has 1 future 1 Pass. Provides substantial improvement.

5054 '094 Patent. Scan path good perf for entropy coding with field coding. 7% gain over Ergzag. P or i if field coded. Scanning quantization.

MT's patents are widely used in MS's products. Looked at MS's website claims, or performed tests himself.

5055 - chart of MS products. XBOX 360, Windows Vista - 8. 937, 2042. Baseline, Main, High profiles.

zone hmc. Windows embedded - 1489, 640, 936, 941. [This prob depends on CE US standard & 941 US ripped apart 7]

MT. Female counsel has problems remembering to wait for judge to say "It is admitted" to get it under control.

Chart to explain profiles. -> ex 574 set of features that must be supported by various things.

IE Krauss, Wu in basement, All 16 in High. Cleard - company Stream i video software to look for pictures using the macroblocks. Played test Perry video from

2930 - Screenshot of Pirate Bay. -> just admitted to copyright infringement on the stand. Screenshots of analysis reflecting.

Tested XBOX. - used as Windows Media Center extender, and USB key. tested with uClip provided from AT&T.

IE on XBOX doesn't do i.dnt -> permitted as rebuttal. expert report if its a new feature. www.findthatfile.com -> H.264 MB AFF, H.264 PAFF. Observed interlacing artifacts (but did he download those elsewhere). Disagrees about claims H/W only use term algorithm.

MS having trouble with 2183 - bunch of screenshots. Want to go over it.
Now limiting page numbers.

Orch testified it's her mistake to use i tools on progressive. Progressive segmented frame. Used to transport P as i. Many products do this. Cannon makes one. Zodrac... Others make converter boxes... in discussions with others like Lothras. This has advantages, fields can improve predictions. i, v, p pictures? There's an economy in bits that need to be transmitted.

423-1477 No comparable alternatives. Stuff doesn't perform as well.
1463 CCITT-453 - doesn't use plurality of motion vectors.
618 more stuff with plurality of motion detection.

Look phone not on vibrator.

5066 - Wu family, Sullivan threats. -- Got for Caswell.

5074 - 2 of MS patents don't read onto the Std.

15 direct - towards purely optical.

He's just reading right off the side (hold stick over ex #s).

MS cross. Didn't show court any claim chart. Would show stronger charts if infringement.

Disparaging stuff about how he did practicing. "Gave my conclusion".

Deposition ~~analysis~~ - ~~the~~ meticulous infringement analysis".

MS said. "was not asked to perform." Diff than what

Page 68 of deposition.

MBAFF → used P, frame, i-interlaced.

Don't know what % uses MBAFF.

PICAFF. → Paralleled note taker's phone vibrates ~~in~~ some noise.

Not asserting M-invented concept of PICAFF, "seminal contributions".

disagrees that's this a seminal contribution. Used that word, but in a different context.

Didn't feel need to try say say results.

"Yes its for interlaced" - DEP.

Distinction between field and interlaced has become sharper over this case.

E-frig Patent. "those 3 blocks, take same 3 blocks"

Innovation is figuring out how to implement it. "Intuitive to person with ord skillset" - Yes for choosing to use same 3 blocks.

After Orchard ~~looked~~ said interlaced tools. Didn't know about PICTFF for progressive before conversation with Wang. Didn't give you names of companies that do this. He said it was widely practiced.

Didn't put progressive segmented frame.

Didn't direct him to any actual video that does it, or reports papers etc.

No publications that suggested this.

There are tools that support this though, using PSF.

"Not aware of any instance of MS product using

2500 patents in MPEG-LA pool, didn't look at how important these are.

Have not made comparison with 1000s of patents.

"use" you mean support.

What % of content is interlaced. Didn't try to do a survey,

"No Dr. Sugerman did that!" Went out and established it could be

found. Videos provided by counsel. Except

Believe it is commonly used.

MS trying to say he transcoded video.

You stub, good way of the future.

Might want to change answer to that.

Judge has a cough.

Do MT's patents relate to other than interlaced?

Yes. As it's become to be used.

Encoder is agnostic, all that it knows is it's getting frame, or field coded.

So you can turn stuff on,

missed most of it

"Counsel tried to get you to be

us sharp faced fl

Somebody named "Tim" is missing (or not) but young lawyer dispatched to find him, was right outside.

MT finishing cross of Orchard (from Tuesday?)

Dem 4026 - Didn't indicate when added to H-264.

Didn't identify contribs to JVT, or whether any in VCEG or H-266 down 2001.

MS Back - Use of H.264 in Satellite can windows decode an encrypted one? -> Yeah, of course that cable card PCTe card. \$200 Does Xbox or Windows support Blu-Ray No.

Tim Arthur Williams CEO - Beech Technologies.

B. 76 in IEEE ME. T Austin, PhD. - 1985 spec comm systems.

MBA - TEX as Justin. 26 issued patents, and Patent Agent.

Relevant experience w/ wifi.

At MT built digitally encrypted,

public safety radio

Built first GSM chipset. 1990s formed comp, digital radio to subscribers.

Interim CEO Atheros, in 80s.

Cybeam. \rightarrow 6 Gbit/sec wifi

802.11 std.

Summary of opinions.

1. 73 patents.

2. valuable

3. 550 of Xbox 802.11 is Xbox.

4. More tech valuable than MS's.

5.

6. - No alts.

5084,

went through

Chart of patents with core functionality and then list with optional advanced functions.

Claim charts - object about claim charts in the report not existing.

150 pages of embedded charts in paragraph.

Pictures, illustrations etc are same. All that's diff is the wordies.

\rightarrow prov accepted.

Dr. Drake types superfluously, and really annoying.

223

\rightarrow objection to these summary docs as they are written testimony. got in as demonstratives.

(there's a big board of the summary and 802.11 patent portfolio).

Patents are inc in value, some decreasing. Like MEMO.

Advanced functionality. Specific devices.

LDPC codes mandatory in next version of the standard.

Familiar with Xbox. Xbox uses core patents b/c wifi certification.

2329. \rightarrow Xbox things wifi b/g/n certification. He based his CETON \rightarrow is the name of the tuner.

Getting wifi cert is important feature to MS based on internal email.

Key important mania

"Not having 802.11 ban log is not an option"

3145

Q2-11 MIMO. - having MIMO indicates patent is used.
Constant patent.

"Can you build a device without this tech? - 9 on left no.
(I mean some of them maybe but not well). - His answer no.

Care enabling function network setup.

Harrison setup - deal with connecting to network.

Channel access, contending with people for access, and this deals with that.

OFDM - ex 164, 151 synchronization pattern.

5/10 Don't agree with Gibson's testimony. He was "incorrect" for all of the patents.

Obj 7 Some goes beyond the expert report scope. RTS/CTS, and this is rebuttal. Nov 4th, some test doc. No supplemental report.

Testimony from Del Costeo. Should have been done properly.

Suddenly small paragraph in proposed findings of fact.

Gibson testifying says "Does not use RTS/CTS" and they say it does.

Judge tries to read screens from several feet away.
MS says counsel wasn't accurate.

Clearly is not a supplemental expert report, ~~no~~ indication it was an expert report.
Gibson simply repeated Del Costeo/said he'd said that.

Gibson 4042 - gave an opinion on RTS/CTS.

3401 - is a written report prod after proposed finding of fact.
→ Nothing ^{besides} knew before trial, and prop finding of fact doesn't change that.
- Don't argue

No limitation on peer to peer in patent language.
Gibson - only relate to b/g

b/g are commonly used (super common in my experience).
Q2 will. Security is still important.

9
RTS/CTS is only an example, not a requirement. QoS is not required by claims.

XBox SSO. for 802.11.

object as beyond scope of expert report. - overruled.

Citation about Passphrase required, and Passphrase is the encryption variable. And stuff about where Passphrase is stored on main memory/Flash. Carvina testimony. 802 (not displayed, presume secret) para 54. Stored in Xbox

S105 back to diagram with circuit boards.

S109 - results of analysis.

object to '263 VHDL Patent not addressed in expert report.

→ MIT says yes it was but we'll strip anyway.

Value of MS v MT's patents. MS's patents are peripheral and are in unknown unproven areas. MS patents less valuable.

Didn't agree with alternate technology. Various requirements.

one of which is not infringe. Gibson didn't do thorough thing with alts. so didn't demonstrate that any were acceptable alts.

More of Gibson's proposed alts and none were. Can't go through all 31, but can do a few.

802.3 is a wired standard, and could replace CDMQ → uses collision detection not avoidance, listen before you talk, vs talk. Exp to implement b/c talk and listen at the same time.

Discussion of synchronization textbook. Techniques well known and more complex than those in an undergrad text book.

since 1999 → testified about 50-60, but engaged 50 times or so. MT expert 9 times and joint defense groups. Earned → \$1M in each past 2 years from ~~MIT~~ expert witness.

11 must be used, 9 not expired, 4 optional

'722, - 227 patents dropped from Report → testimony. Court found not essential. "I decided it wasn't relevant to my opinion!" Found invalid by ITC, and Apple case.

In expert report didn't indicate claim construction. Used a plain and ordinary terms. Has reviewed file history since.

Cribb and Posner formulated different claim construction, and if you don't set forth a claim construction can go poorly.

Didn't consider % of scope of usage in reports.

All that important means is that it's essential. NO. → Refer to Deposition. Long pause, paper shuffling. Pg 26 of Deposition.

"if essential then important" → basic logic here, can mean other things.

Defense identification of CPU doing things. Peripheral devices can do bulk of tasks. There's a microprocessor involved in averaging windows.

10:00 Lunch break.

Asked but MT didn't know about who was being threatened with Jail was still anybody seen Tim. Apparently he disappears. † G. Not sure if them or Coramira.
↳ The witness presumably.

MS didn't comment on CETON NBS existence. MT's view was nicer "hasn't come up yet" or something.

Will not be calling on hard for rebuttal appears to be irrelevant.

Chip as ssu. Chip can send things, but encryption does not ~~seem~~ happen on Chip.

Pg 18 line 10 Dep. "What is a wifi chip? what does it do?" Basically the wifi functionality... Difference is implements protocol, creating into for use in protocol on mainboard.

Testified that Gibson's alternatives weren't suitable.

Compatible so as to not create large disruptions. Considered changes in other portions of a standard.

Aren't there potentially 100s of patents? Don't know didn't do analysis. Potentially, I can imagine. Didn't ~~imagine~~ consider 3rd party patents. A LOT is in usual thing. It's an expression that it might possess patents/IP, and neither std nor patents are solidified.

Didn't look at other companies / assess importance, not necessary to conclusively. Discussion of Atheros. Don't know if they have MT license. Would need to analyze Atheros patents to say that they were important. Said he believed they were during his Dep.

No opinion as to overall % - Done some work since Gibson's graphic last week.

No opinion about Via pad patents either.

Optional portions have lower value.

- Something about high mobility '896 patent.

Looking at opening expert report. Parallel to

claim 17 of '896. Claim 1 not 17 asserted in ITC.

"MT doesn't consult me on their strategic decision"

"Subject wasn't question you were asked" Read it this way not other way, b/c we'd like, but ~~some~~ stuff about some sort of claim construction.

MT didn't allege 802.11 at ITC. "Again I don't know about ITC proceedings".

Some "particularly valuable" patent is expired as of March 2011.

802.11 N - ~~724~~ Patent expired. 802.11a modulation expires in May.

OFDM - TI, Stanford have primary patents for wired.

Compared claims to those within standard. Didn't look at validity. No opinions.

Redirect. - About Gibson's graphic.

MS objects to Gibson the exhibit b/c it goes beyond his report. The report page goes apart. This is 2007 v. 2012 standard version.

Say objection document is first-time 12 pages or so. Trying to get it in with rebuttal.

Give credit only to testimony only to extent it's rebuttal.

Heard Gibson's testimony. Took patents, mapped citations onto Gibson's graphic. Not a tree of the std. Gibson broke things up.

Maps from specific patents to areas with lots of arrows.

what does mapping lead you to conclude. MT patents cover lots of Gibson's diagram. And MPE's use in some areas is persuasive. Core and fundamental.

Prepared over the weekend. - were these exchanged. Utterly illegible. Got legible copy at 12:30. Objections list prepared while lawyer was asleep. Not letting in demonstrative.

Judge Can an essential patent be essential to an optional feature?

XBox is SSU b/c Maruch chip doesn't practice it. Xbox 360 memory needs to be there. Module needs info outside it (if powered up).

Can justify % retail royalty. Not measured by std's value of patents.

Saying MT's bits of like std like transmission so forth.

Patent to std and std to product. Williams - "I would follow the claim"

Dr. Richard Schmalensee - 2968 - CV

B.S. Econ Pol Sci - MIT (Credly a B.S.). prof of econ, Sloan school management. prof of econ. 84-91 - council econ advisor. Fellow of econometrics. ... Economics association. Dist Fellow of something. Industrial organization. Theory of how things interact in real markets. Including patents.

What does RAND mean for SEP patents?

RAND means reasonable royalties, give up right to refuse/exclusivity. Could there be a pool and bilateral rates. Each can differ. RAND is an upper bound. Not unreasonable to charge less. Neither maxing revenue

2005 Pricing patents for licensing in standards setting orgs matching some of Frand.

Looked at extension of EUPR and Shattley value method. Provides way of looking hard at the ex ante approach, and assumptions for stds involving multiple patents. Advantages are unlikely to be realized in practice.

Ex ante competition is necessarily competition between existing ex ante alternatives, which requires alternative standards. Assuming at least 1 mos. strict ex ante approach completely infeasible.

Topic addressed in economic literature. RAND exists to deal with hold up. Typically established via ex post bilateral.

Licenses are typically negotiated between sophisticated. It seems to be working, and improbable that would sign agreements given ITC/courts.

US + verifying patent pools most appropriate. Often entered into by vertically integrated companies which profit from selling stuff. Companies systematically interested in lowering royalties.

45
29901
17
Article on patent pools. Page coding 60492
Study of MPE 6-2 pool.

2961 - Email to strategy group.

What do you understand MS's position is. MS wants fees to be low, so that they can use it in Windows and have it be cheap.

Would a firm join a pool with strong licensing program and patents.

Vertically integrated pools set rates low, other companies would need to use low rates. Might form groups outside standards.

Innovation decreases, bad stuff. Reduce standards.

MS Econ say should use pools since they have same objective.

Same interest as companies.

Pools have no interest with reasonable return as standards already exist.

Concerns about Royalty stacking. In real world evidence hasn't been found. IEEE/ITU don't have policies about stacking specifically.

2962 - Royalty Stacking in High Tech Industries separating myth from reality. Find no evidence of stacking.

Best way. Conduct Hypothetical Bilateral negotiations under RAND.

1. It's what happens.

2. Evidence of results exist.

3. Courts have experience under Georgia Pacific.

As I read GP it doesn't have RAND, and one would want to include that.

Evidence of same Patents/Rates would be best.

MS can say previous agreements have holdups, but would induce entire previous current system.

2973 -

ITC MS Submission. Pg 54688 MS says Hold-up rarely occurs and best addressed by bilateral negotiations and rare litigation.

%NSP can be appropriate under RAND

MT has neg dozens of such agreements. And common Royalty = %NSP.

2922 - Lic economic review - only relied on fact that %s are common.

MS don't believe it's trustworthy, hearsay etc. No basis for figuring if numbers are true or if got converted into NSP. (b) - Over/led covered by Cross.

Has 9k lic transactions. Bottom table 4385 say based on % of sales.

It may be reasonable to apply single % rate, since more tech could mean more use of 802.11, some value.

Is it reasonable for price of product to exceed price of HW. No includes IP.

\$3-\$4 includes nothing on IP right now.

MS express. \$3-\$4 is a price before IP. Read Ochs testimony. No lic in chip.

Also heard about commodity. No lic fees embodied in that price.

Not reviewed Danahue's stuff.

Investing in R & D doesn't mean they deserve any value return.

Some lic include 802.11 and cellular. Haven't seen which are appropriate to 802.11 and cellular. Mistake to simply assume without looking that 2.25% would just be 802.11, but I'm not doing that analysis.

except ones common to both.
Licenses from cellular to M264 wouldn't appear to be relevant, on its face.
One would want to address it, but it'd be difficult.

Never done a GP analysis. How would one be modified would lead to a patent licensing. Discussed G.P. vs Donahue's analysis. He just has recommendation to do it carefully. Hasn't done an analysis as to if Donahue's is appropriate.

1674. No paper cited Georgia Pacific modified. Criticism of G.P. is uncertainty.
We didn't ~~use~~ recommend things, said numerical proportionality isn't a good way.
and discussed two economic models.
"While G.P. factors make good guidelines, these models provide good guidance to the court."

Auction system for ~~patent~~ competition. Broke down pretty badly.

P. 684: If a tech is ready to invent around or has simple alt. ^{lowerrates} No reason to change that

Incremental contribution ^{comp to pre standard alternatives.} may be value close to 0.

Judge - ~~patent~~ ~~case~~ negotiations. Patent holder doesn't have monopoly in alternative.
2 patents, one makes better widget. After standard worse one has value if adapted.

When away from 1 patent examples things get complicated. One imagines comp to be standard. Don't think auction model could be done, but it has desirable properties.

Ex Post. Monopoly power taken away by RAND. Yes. It seems to work. You get some ill defined measure. Don't get value just from "seems like Posner struggled with it".

It comes down to Bilat ex post b/c it's all we can see. Since it seems to work, we can assume monopoly power is limited.

What can be used among the ex post, bilat, patent pools.

Don't think you can do ex ante

countenforcements of stuff when Bilat negs break down should happen.

→ Is there a way to enforce RAND without 3rd party's stepping in? In absence of mechanism seems to be the court.

Why is a higher price reasonable? Reasonable is ~~top~~ term.

Industry essential patent not in a pool. Does it stifle ~~patent~~ innovation? Well they need to return phone calls. They need to behave reasonably and in good faith. Say 25 times worth what it's actually worth. → burn. Difficult to find themselves in front of court.

Patent stacking? Do we have a technically attractive standard that fails b/c royalties in aggregate are ridiculously high. Doesn't happen in real world.

Defensive patents, ... just happens in negotiation.

If licensors show up successively, problems attenuated. People interact

repeatedly, game theory stuff. In industry it's not a problem.

Hold up - have to do with hidden intellectual property. Come out from under a bridge like a troll. Not under RAND obligation. Rarely a problem.

Prof Motenatter is all about stacking/holdup. And no - I hear it's not an issue. Do you just not have better things to write about?

Seems to be repeated game theory. Vert integrated companies want low rates. Mitigates holdup. And doing stuff in court.

243 - Are you still in agreement with extending Georgia Pacific. Despite all negative things I don't see a better alternative.

Missing in # contrib per inventor to std, - size of the piece not the pie

68) - Listed Georgia Pacific factors. Fact #13 could be modified - Didn't try to say how to modify, just that one needs to think hard.

Mandatory cost things of litigation. GP involves uncertainty. Don't see how can have a commitment without enforcement. Had bilateral things GP. Best way.

MT. Pool members who derive value from selling things and agree to a low rate could be RAND.

First licensor interested to max royalties. Could get higher than Pool and RAND. And a second licensor with better ~~options~~ ^{patents} could set better rate.

Lic in bilateral neg, and fulfill commitments by definition would be RAND. If one fails to negotiate it's be appropriate to enforce, such as this court. Yes.

MS. If firms behavior solves holdup. Anyhow

"Pleasure having you in court."

SIDS Break until 4pm (refill pen)

Sugeman. - Sukumar - small asian female Lawyer for MT.

B.S. M.F.E. major marketing minor statistics.

Rice, 2008 CEO Optimal Strategies. Mintel Research, Surveys.

300 surveys past year or two?

306 - C.V. current and accurate.

2 surveys. 802.11 & Xbox users using internet.

H. 264 survey on online activity

Not interrelated. Followed industry standard. Conducted 30 in person interviews. Pretests, pilot tests, 802.11 all and H. 264 all questions bar 2. Received request for those two questions, and decided didn't need it and gave "unsure" after. Post pretest.

15

Qh5a1 → not pretested.
Qh5a2

2399 - excel data file reflecting M. 264 survey
3034b - objection - overruled to cross examination (Am. form objection)

2423? - Table 1, 2 Summary statistics. Accurately summary.
↳ Xtra objection due to discrepancies on page 5. % of respondents vs Xbox users (really?) rule 10.06.

Stuff about reference frame. Want it as a demonstrative. Want to show it's not what's in the report. Deal with it as a summary later.

3034a - Screen / Questionnaire for 80211

2393 - Excel file. Fairly and accurately reflect, no additional objection

~~2394?~~ 3424 - 80211 summary statistic. Tab 3, 4 tabulation of results.
dam → cross.

Pass witness (shetalted in a monotone the entire time)

3034b - questions not pretested. → Some survey questions.
Qh5a1, Qh5a2

Select type of concept interleaved, progressive
MBAFF / Field, progressive, not sure.

Don't personally know / spend time with Xbox / TV. Couldn't tell.
was there for direct? Day or think anyone could know? They would press
not sure. Did 100% press not sure? → would have → something similar
You didn't know. knew about prog from DVD player?
If earlier would have pretest.

Reference ^{manual} guide on survey research. → respected.

Tab 3, exhibit 3035 - excerpt.
p. 248

When unclear questions are unclear, may bias survey. Respondents may answer yes, random response. Can lead to reselection.

Questions were testing knowledge. And "Not sure" reduces it.

Tab 5 - Declaration rule 702 motion. P. 7. line 12. Those 2 questions don't necessarily need to be asked.

Uses HPAIC -

What % on MBAFF → 50% not sure. Think others 50% knew MBAFF or not.

Both questions have the was it progressive (despite nested under interleaved). Checked for consistency. 40% gave inconsistent answers.

Report at Tab 6. page 10. or 1e. 54% have watched progressive. 16% said it was MBAFF.

(So 15% of them are liars)

Usage 1b. 100% have connected to internet, but disqualification is not connecting to internet. (ie we need what % did not connect).

Basically seems to be a matter of definition of Xbox users for various questions.

Excluded those under 16 and used < 1 hour/week.

Basically screening results naturally affect the world of Xbox users.

22000 people sent email. 24k for 802.11 About 15% responded.
Tub 3. w/ manual. p. 245 "Response rates > 90% are reliable/representative."
< 75% less reliable. < 50% very stretchy.

Disagrees as from 2k pre internet surveys. Reached out to USC census based group then divided down. 1/45 completed. 1/6 of those who did the survey.

Renewing objections. (His objection seems stupid to me what else would it mean)

~~Lawyer's not doing a good job.~~ Submitting order 1006 that this is a useful. His demonstrative as cdumas don't accurately portray the survey data.

Michael J. Danstey - w/ Data Shield Head Lawyer.

2753 - C.U. Capstone adoption group. Exec Direc. Ron IP group.

Mostly do IP consulting. Help companies bring IP to market.

In IP business for 20 years. 14 years Amco, Xerox, Pdaoid?

For more than 100 agreements negotiated, some years 100.

Lots and lots of assets valued.

5076 - Key factors.

- Use of patented tech to compete and satisfy consumer demand.
- Past sales/profit
- Estimated future sales/profit

Value of 802.11 to MS.

5078? Gm. slide not published.

XBOX requires 802.11 turnip. CNET article. Missing. Market told Xbox

2. Internal Doc. Int 802.11 key product diff

3. 2008 Internal Doc - compare comp products. First for 802.11.

OmniN adapter.

2684 → CNET 360 Elite review

5079 DelCastro testimony. → still not published.

Discussing internal doc. Wifi gaining popularity.

2006 planning doc. PS3 has wifi integrated.

DelCastro - Fear most homes use wireless, and going to be wireless cable and wifi is part of the next. 802.11 is customer expectation.

clearly indicated. wifi

5080 - more secret docs gm. Time series of data. Sales of wifi separately, and together. Objection to 2451 - from a public wiki that can be edited. → admitted as exhibit should have done in Dahler motion/object. 2006.

Graph of Market Share / Conside. showing decline. Apparently claimed
3605 is clear.

2451 / exhibit / sales data they called. through usual market data (wikipedia sort).

MT going to sealed docs. Giving MS chance to seal room.
5081-dem.

Yay not sealing. Mon off this entire time.

802.11 and future strategy.

General base is that street has evolved into multimedia hub. Some planning
docs.

MS wants to own living room - Cap H & Minds - Next. ^{like} Sony/Apple - Google.

2681 - State for ident. Internal planning for next gen XBOX.
Sealed.

2688 - 2dl doc. Next gen. Internet core vital to magic connection.
Most using WiFi.
Talking about competitive landscape (focused on APP)
Talking about entertainment, and consumers paying for it.

evolving...

9:00am tomorrow - 12 1-4¹³⁰pm.

MT - ~~5:00~~ 5:00 to time limits tomorrow.

*ick around for numbers.

MT: 2:05

MS: 3:25