UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE DANA M. SABRAW, JUDGE PRESIDING

QUALCOMM INCORPORATED, PLAINTIFF, VS. APPLE INCORPORATED, DEFENDANT. AND RELATED COUNTERCLAIM	CASE NO. 17CV1375-DMS SAN DIEGO, CALIFORNIA WEDNESDAY SEPTEMBER 5, 2018 9:00 A.M. CALENDAR

REPORTER'S TRANSCRIPT OF PROCEEDINGS

CLAIMS CONSTRUCTION HEARING

REPORTED BY:

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CAN BE ONE PROVIDER OF TIME-OF-DAY SERVICES; OUR POINT IS JUST THAT IT IS NOT THE ONLY ONE.

THE COURT: THANK YOU.

WE ARE READY FOR THE NEXT GROUP OF PATENTS?

MR. GREEN: GOOD MORNING, YOUR HONOR.

THE COURT: GOOD MORNING.

MR. GREEN: I BRING YOU GOOD TIDINGS. THIS IS INDEED THE LAST GROUP OF PATENTS. AND THEY ARE, I WILL SAY THIS ONCE, THE DE CESARE PATENTS.

AND WHAT ARE WE HERE TO TALK ABOUT WITH THESE PATENTS?

IF I COULD USE, NOT AN ANALOGY BUT AN EXAMPLE FROM TODAY, YOUR HONOR. I NOTICED YOU VERY ATTENTIVELY LOOKING AT YOUR MONITOR AND THE PRESENTATIONS, WHICH WE APPRECIATE VERY MUCH. ALL THE PEOPLE IN THE ROOM WORKED ON THEM VERY HARD, I CAN TELL.

BUT IF YOU WERE TO LOOK AWAY, AND LET'S SAY, JUST HYPOTHETICALLY, COUNSEL WERE TO SAY SOMETHING COMPLETELY ENTHRALLING, AND YOU STOPPED LOOKING AT YOUR MONITOR FOR SOME PERIOD OF TIME IT MIGHT GO TO SLEEP, OR GO INTO AN IDLE STATE. THE SCREEN WOULD DARKEN, MAYBE YOUR COMPUTER WOULD SHUT DOWN. SOME OF THE LIGHTS THAT ARE ON WOULD DIM.

THESE ARE THE KIND OF TRANSITIONS AND OPERATING MODES THAT THESE PATENTS -- THE DE CESARE PATENTS ARE INTENDED TO ADDRESS. AND THEY ARE INTENDED TO DO THAT TO SAVE POWER.

SO WE HAVE WAKE SITUATIONS, IDLE STATES, SLEEP STATES. AND ALL OF THIS IS DESIGNED TO ACHIEVE THE DESIRABLE EFFECTS OF LETTING THE PROCESSORS RUN LESS, DRAIN LESS ENERGY FROM YOUR BATTERY, GENERATING LESS POWER DISSIPATION, THOSE KINDS OF THINGS.

SO THAT IS WHY THE PATENTS MATTER. AND THAT LEADS US TO A SET OF FOUR TERMS THAT WE HAVE TO TALK ABOUT. AND THE THINGS I HAVE TO SAY ABOUT THEM ARE FEW BUT HOPEFULLY COMPELLING.

AND I AM GOING TO START WITH THE PERFORMANCE DOMAIN TERM.

IF WE COULD SKIP AHEAD -- I WILL SKIP MYSELF AHEAD TO SLIDE NO. 93 IN YOUR PRESENTATION, YOUR HONOR.

SO ON SLIDE NO. 93 WE SEE THE PARTIES' CONSTRUCTIONS JUXTAPOSED. I HAVE HIGHLIGHTED IN RED THE PORTION OF QUALCOMM'S CONSTRUCTION THAT IS THE BASIS FOR THE DISPUTE -- BECAUSE, OF COURSE, ALL OF THE DISPUTES COME FROM QUALCOMM, NOT FROM APPLE. YOU UNDERSTAND HOW THAT GOES.

AND THE RED LETTERS SAY: CONTROLLED BY THE POWER MANAGEMENT UNIT AS A UNIT.

AND THAT CREATES TWO ISSUES, WHICH WE HAVE FRAMED IN THE BRIEFING.

THE FIRST IS THAT A PERFORMANCE DOMAIN, IN FACT, NEED NOT BE CONTROLLED AS A UNIT. A PERFORMANCE DOMAIN IS A COMPONENT OR A COLLECTION OF COMPONENTS, THINGS LIKE A

PROCESSOR, MAYBE OTHER PIECES OF HARDWARE OR OTHER THINGS, THAT FOR SOME PARTICULAR REASON ARE LOGICALLY GROUPED TOGETHER, SO THAT YOU MAY WANT TO HAVE A PROCESSOR RUNNING AND MAYBE HAVE A PIECE OF MEMORY OVER ON THIS SIDE THAT HOLDS SOME INFORMATION NEEDED BY THE PROCESSOR. IN INSTANCES I MAY -- IF I PUT YOUR MONITOR TO SLEEP I MAY WANT YOUR PROCESSOR TO USE LESS POWER, BUT I WANT THAT MEMORY TO CONTINUE TO HOLD INFORMATION THAT YOUR MONITOR NEEDS TO QUICKLY WAKE BACK UP, SO THAT EVERYTHING YOU WERE DOING BEFORE YOU LOOKED AWAY FROM YOUR MONITOR DOESN'T JUST GO AWAY WHEN IT WAKES UP. THAT IS THE KIND OF THING THAT WE ARE TALKING ABOUT HERE.

SO THAT IS ONE PROBLEM.

THE OTHER ISSUE IS THAT AS QUALCOMM CONSTRUES THE TERM, A PERFORMANCE DOMAIN IS CONTROLLED ONLY BY THE POWER MANAGEMENT UNIT. AND THAT IS NOT THE CASE, EITHER. PERFORMANCE DOMAINS MAY BE CONTROLLED BY THE POWER MANAGEMENT UNIT, OR THEY MAY BE CONTROLLED BY OTHER THINGS LIKE SOFTWARE THAT EXISTS WITHIN THE SYSTEM.

SO IF I WAS TO GO TO THE NEXT SLIDE, THAT IS SLIDE NO. 94. WE SEE THIS CONCEPT OF INDEPENDENT CONTROL OF THE COMPONENTS WITHIN THE PERFORMANCE DOMAIN FRONT AND CENTER.

WE SEE THAT THE SPECIFICATION EXPRESSLY TEACHES THAT THE VOLTAGE FOR THE PROCESSOR, FOR EXAMPLE, MAY BE SET SEPARATELY FROM THE VOLTAGE OF THE OTHER COMPONENTS IN THAT DOMAIN.

WE SEE ALSO THAT: PERFORMANCE CHARACTERISTICS THAT APPLY TO MORE THAN ONE COMPONENT IN A PERFORMANCE DOMAIN AND THOSE PERFORMANCE CHARACTERISTICS MAY BE INDEPENDENT --

THERE IS AN L-Y MISSING.

-- BUT MAY BE INDEPENDENTLY CONTROLLED.

THAT IS PRETTY MUCH IT, YOUR HONOR. THE SPECIFICATION EXPRESSLY TEACHES THAT I DON'T HAVE TO CONTROL EVERY SINGLE COMPONENT IN A PERFORMANCE DOMAIN IN LOCKSTEP SO THEY ARE ALL ON OR THEY ARE ALL OFF, OR THEY JUST ALL DO THE SAME THING IN SOME PREDETERMINED FASHION.

IF I COULD USE A QUICK ANALOGY. IMAGINE IF -- I DON'T KNOW IF YOUR HONOR USED PUBLIC TRANSPORTATION OR DROVE OR WALKED TO THE COURTHOUSE TODAY, BUT LET'S SAY THAT YOU DROVE. IMAGINE IF WHEN YOU TURNED YOUR CAR ON, INSTANTLY THE LIGHTS COME ON, THE WINDSHIELD WIPERS COME ON, AND THE RADIO COMES ON. AND WHEN YOU TURN IT OFF THEY ALL GO OFF. RIGHT?

SO THAT WOULD BE AN EXAMPLE -- A COURSE EXAMPLE OF THINGS ACTING IN A UNITARY FASHION, SOME SET STATE FOR ALL OF IT, ON OR OFF.

THAT IS NOT WHAT THE PATENT DESCRIBES, AND THAT IS FOR THE PURPOSE OF ACHIEVING THESE POWER CONSERVATION GOALS THAT I DESCRIBED WHEN I FIRST TOOK THE PODIUM.

WE SEE THIS CONCEPT ILLUSTRATED GRAPHICALLY ON SLIDE 95 IN THE RED BOX. THAT IS ONE PERFORMANCE DOMAIN. WE SEE A PROCESSOR IN BLUE. WE SEE ANOTHER COMPONENT, IT COULD BE

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