MediaTek Inc.	V	. Freescale	Sem	iconc	luctor,	Inc.
---------------	---	-------------	-----	-------	---------	------

Doc. 578

1

2

3

5

67

8

9

12

11

13 14

15

1617

18

19

20

2122

23

24

25

2627

28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Plaintiff,

v.

MEDIATEK INC.

FREESCALE SEMICONDUCTOR, INC.

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

[PROPOSED] ORDER REGARDING DISCOVERY EXCERPTS

Hon. Yvonne Gonzalez Rogers

Upon consideration of plaintiff MediaTek Inc. (MediaTek) and defendant

Freescale Semiconductor, Inc.'s (Freescale) Revised Joint List of Discovery Excerpts,

this Court rules as follows:

MEDIATEK'S LIST OF DISCOVERY EXCERPTS

Exhibit 3 – Noam Efrati (June 27, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.136	111:11- 112:11; 112:14-24; 113:2-8		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support "all four of those potential scenarios") (counter for 112:16- 24; 113:2-3)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay
P.145	138:11-18; 138:20-139:1; 139:4-7		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support "all four of those potential scenarios") (counter for 138:20- 139:1)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay

COURT'S RULINGS:					
P.136,	216:13-19	Overruled			
P.145					
P.136,	216:25-217:12	Overruled			
P.145					
P.136,	214:8-216:8	Overruled			
P.145					

Exhibit 6 – David Orris (June 26, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections			
P.302	21:17-22:24		30:15; 30:18-19; 30:22-23; 30:25; 31:3- 4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay			
P.308	29:24-30:1; 30:3	Foundation	30:15; 30:18-19; 30:22-23; 30:25; 31:3- 4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay			
	COURT'S RULINGS:						
P.308	29:24-30:1; 30:3		This objection was not previously made and Page 29 has not been provided to the Court. See Dkt. 517-1. Therefore, it is tentatively denied. MediaTek shall provide evidence of foundation by Wednesday, July 9, 2014 with Page 29.				
P.302, P.308	30:15		overruled on all other can be used by Freesca	ection regarding scope; grounds and therefore le separately in its own of evidence.			
P.302, P.308	30:18-19		Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.				
P.302, P.308	30:22-23		Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own				

[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

1	No.	MediaTek	Freescale	Freescale	MediaTek	
2		Designations	Objections	Counter Designations	Objections	
3				presentation	of evidence.	
	P.302,		30:25		ection regarding scope;	
4	P.308				grounds and therefore	
5				can be used by Freesca		
				presentation		
6	P.302,		31:3-4	Sustained as to the obje		
_	P.308				grounds and therefore	
7				can be used by Freescale separately in its own		
8	D 202	21.0.0		presentation of evidence.		
	P.302, P.308		31:8-9	Sustained as to the objection regarding scope;		
9	P.308			overruled on all other grounds and therefore can be used by Freescale separately in its own		
10				presentation of evidence.		
10	P.302,		31:12	Sustained as to the objection regarding scope;		
11	P.308		31.12	overruled on all other grounds and therefore		
	1.500			can be used by Freescale separately in its own		
12				presentation	•	
13	P.302,	148:15-22 Sustained as to the objection regard				
13	P.308			overruled on all other grounds and therefo		
14		can be used by Freescale separately in it				
				presentation	of evidence.	
15						

Exhibit 8 – Changhae Park (September 30, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.346	62:25-63:13	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.347	64:10-14	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.348	77:6-18; 77:21-23; 77:25-78:6	Incomplete hypothetical (objection to 77:15- 18; 77:22-23; 78:4- 5); FRE 401/402; FRE 403; FRE 701 (objection to 77:15- 18; 77:21-23; 77:25- 78:6)		

1	P.351	80:19-21	FRE 401/402; FRE 403		
2	P.353	87:7-17	FRE 401/402; FRE 403		
3	P.354	99:3-11	FRE 401/402; FRE	99:12-14; 100:19-24;	
4			403	101:9-15; 101:17-20; 101:23-102:6; 102:17-	
5	P.355	99:15-100:11	FRE 401/402; FRE 403	103:11; 103:18-22 ¹ 100:19-24; 101:17-20; 101:23-102:6; 102:17-	
6			403	103:11; 103:18-22	
7	P.356	111:15-113:6	FRE 401/402; FRE 403	113:7-8	
8				S RULINGS:	
0	P.346	62	:25-63:13		
9				Over	ruled
10	P.347	64:10-14			
	P.348	77.15.10		Overruled Overruled on all grounds but reserve on FRE	
11		77:15-18		701 objection.	
12	P.348	77:21-23		Overruled on all grounds but reserve on FRE 701 objection.	
13	P.348	77:25-78:6		Overruled on all grounds but reserve on FRE 701 objection.	
14	P.351	80:19-21		Overruled on all grounds but reserve on FRE	
15	1.331		0.17 21	701 objection.	
16	P.353	;	87:7-17	Sust	ained
17	P.354		99:3-11	Reserve. The Court requires the referenced	
17				Exhibit 6 to be provided to the Court no later than July 9, 2014.	
18				than July	9, 2014.
19	P.355	99:15-100:11		Reserve. The Court requires the referenced	
20				Exhibit 6 to be provided to the Court no later than July 9, 2014.	
21	P.356	111:15-113:6		Reserve. The Court r	equires the referenced
22				Exhibit 6 to be provide	ed to the Court no later 9, 2014.
23					.,
24					

²⁷ For the counted 28

¹ For those counter designations in italic typeface, the parties agree that those counter designations are to be counted against the counter designating party's trial time

2	No.	MediaTek	Freescale	Freescale	MediaTek
3		Designations	Objections	Counter Designations	Objections
4	P.369	28:22-30:8		28:22-29:4 ; 33:6-8;	(35:1-11, 41:9-42:5,
5				35:1-11; 41:9-42:5;	66:9-22) Beyond the
3				66:9-22	scope of designation,
6					not needed for completeness; FRE
7					401/402; FRE 403
	P.370	31:11-17		28:22-29:4; 33:6-8;	(35:1-11, 41:9-42:5,
8				35:1-11; 41:9-42:5;	47:5-7, 47:9, 47:11-
9				47:5-7; 47:9; 47:11-14; 66:9-22	14, 66:9-22) Beyond
				00.9-22	the scope of designation, not
10					needed for
11					completeness; FRE
					401/402; FRE 403
12	P.372	32:8-13		28:22-29:4; 33:6-8;	(35:1-11, 41:9-42:5,
13				35:1-11; 41:9-42:5; 66:9-22	66:9-22) Beyond the
				00.9-22	scope of designation, not needed for
14					completeness; FRE
15					401/402; FRE 403
16	P.373	32:18-20; 32:23-		28:22-29:4; 33:6-8 ;	(35:1-11, 41:9-42:5,
17		33:5		35:1-11; 41:9-42:5;	66:9-22) Beyond the
17				66:9-22	scope of designation,
18					not needed for
19					completeness; FRE 401/402; FRE 403
19	P.382	41:23-42:14		28:22-29:4; 33:6-8;	(33:6-8, 35:1-11,
20				35:1-11; 41:9-42:5 ;	66:9-22) Beyond the
21				66:9-22	scope of designation,
21					not needed for
22					completeness; FRE 401/402; FRE 403
23	P.386	52:17-19		28:22-29:4; 33:6-8;	(33:6-8, 35:1-11,
				35:1-11; 41:9-42:5;	41:9-42:5, 66:9-22)
24				66:9-22	Beyond the scope of
25					designation, not
					needed for completeness; FRE
26					401/402; FRE 403
27					
	1				

1	COURT'S RULINGS:					
	P.382,	33:		Overr	uled	
2	P.386			_		
3	P.369,	35:1	L-11	Overruled		
4	P.370, P.372,					
4	P.373,					
5	P.382,					
6	P.386 P.369,	41:9-	.42.5	Overr	nled	
7	P.370,	11.7	12.3	Oven	uicu	
/	P.372,					
8	P.373,					
9	P.386	47		0 . 1 . 1 1 .		
9	P.370	47::	5-7	Sustained as to the obje		
10				overruled on all other g		
11				can be used by Freescale separately in its own presentation of evidence.		
11	P.370	1		Sustained as to the obje	ection regarding scope;	
12				overruled on all other grounds and therefore		
13				can be used by Freescale separately in its own presentation of evidence.		
13	P.370	47:11-14 Sustain				
14	1.370	4/:11-14		Sustained as to the objection regarding scope; overruled on all other grounds and therefore		
15				can be used by Freescale separately in its own		
				presentation		
16						
17	P.369,	66:9	9-22	Susta	ined	
	P.370, P.372,					
18	P.373,					
19	P.386					
	P.378	37:8-12		58:12-59:7; 59:19-23;	Beyond the scope of	
20				60:10-61:11	designation, not	
21					needed for completeness; FRE	
22					401/402; FRE 403	
22	P.387	54:22-56:2		58:12-59:7; 59:19-23;	Beyond the scope of	
23				60:10-61:11	designation, not	
24					needed for	
					completeness; FRE 401/402; FRE 403	
25					701/702, FIXE 703	
26						

1		COURT'S	RULINGS:
2 3	P.378, P.387	58:12-59:7	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
4			
5 6 7	P.378, P.387	59:19-23	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
8 9	P.378, P.387	60:10-61:11	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
10			

Exhibit 11 – Allen Wagner (June 28, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.471	57:1-58:2		58:3-4; 58:7 (counter for 57:17-58:2)	Relevance; Beyond the scope of designation, not needed for completeness; speculative; FRE 403
P.537	127:6-128:10		149:5-150:2 (counter for 128:5-10)	Beyond the scope of designation, not needed for completeness
P.539	129:16-130:8; 130:10		149:5-150:2 (counter for 129:25-130:8; 130:10)	Beyond the scope of designation, not needed for completeness
P.540	130:11-13; 130:16		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.541	130:17-20; 130:23-24		149:5-150:2	Beyond the scope of designation, not needed for completeness

1	P.542	130:25-131:2;	149:5-150:2	Beyond the scope of
2		131:5		designation, not
2				needed for completeness
3	P.543	131:6-7;	149:5-150:2	Beyond the scope of
4	1.545	131:10-12	149.3-130.2	designation, not
4		131.10-12		needed for
5				completeness
	P.545	133:10-134:1	149:5-150:2	Beyond the scope of
6				designation, not
7				needed for
/				completeness
8	P.553	147:5-22;	149:5-150:2	Beyond the scope of
_		147:25		designation, not
9				needed for
10			110 7 170 7	completeness
10	P.554	148:1-5	149:5-150:2	Beyond the scope of
11				designation, not
10				needed for
12	P.562	163:10-164:3	149:5-150:2	completeness Beyond the scope of
13	F.302	164:6	149.3-130.2	designation, not
		104.0		needed for
14				completeness
15	P.563	164:7-10;	149:5-150:2	Beyond the scope of
13		164:13		designation, not
16				needed for
1.7				completeness
17	P.564	164:14-16;	149:5-150:2	Beyond the scope of
18		164:19		designation, not
				needed for
19	D 5 6 5	164-20-21	140.5 150.2	completeness
20	P.565	164:20-21; 164:24;	149:5-150:2	Beyond the scope of designation, not
20		165:1-2		needed for
21		103.1-2		completeness
22	P.567	165:3-5;	149:5-150:2	Beyond the scope of
22		165:8-9	= 13 13 = 3 3.2	designation, not
23				needed for
.				completeness
24				

26

1		COURT'S RULINGS:						
	P.471	58:3-4; 58:7	Overruled					
2	P.537,	149:5-150:2	Sustained					
3	P.539-							
	543,							
4	P.545,							
-	P.553,							
5	P.554,							
_	P.562-							
6	565,							
7	P.567							

Exhibit 12 – Glen Wienecke (June 27, 2013)

Freescale

Objections Objections Designations Counter Designations P.659 12 35:10-18; Scope of Case 35:22-36:25 (objection to 13 35:16-18; 35:22-24) 14 P.665 44:4-14; 46:1-11; 167:18-168:23 (46:1-11) Beyond the 44:16-17 scope of designation, 15 not needed for 16 completeness; Speculative; Improper 17 expert opinion; (167:18-168:23)18 Beyond the scope of designation, not 19 needed for 20 completeness (45:15-46:11) Beyond 45:15-46:11; 167:18-P.667 44:24-25; 21 the scope of 45:2-14 168:23 designation, not 22 needed for completeness; 23 Speculative; Improper expert opinion; 24 (167:18-168:23)

27

25

26

8

9

10

11

No.

MediaTek

Freescale

28 CASE NO. 4:11-cv-05341-YGR

8 [PROPOSED] ORDER RE: DISCOVERY EXCERPTS

Beyond the scope of

designation, not needed for

completeness

MediaTek

1	COURT'S RULINGS:					
	P.659	35:16-18; 35:22-24	Overruled			
2						
3	P.665	46:1-11	Sustained			
4	P.667	45:15-46:11	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can			
5			be used by Freescale separately in its own presentation of evidence.			
6			presentation of evidence.			
7	P.665,	167:18-168:23	Overruled			
0	P.667	107.10-100.23	Overruled			
0	1.007					

FREESCALE'S LIST OF DISCOVERY EXCERPTS

Exhibit 14 – Kenneth Obuszewski (June 25, 2013)

11		Exhibit 14 – Kenneth Obuszewski (June 25, 2013)				
12	No.	Freescale Designations	MediaTek Objections	MediaTek Counter Designations	Freescale Objections	
13	D15	42:6-43:1;	(42:6-43:1)	37:3-10; 37:16-38:13;		
14		43:13-14; 43:21-23	Hearsay (43:13-14; 43:21-23) Hearsay,	39:10-12; 39:21-24; 40:6-41:1; 41:7-9		
15			relevance, unfair prejudice, FRE			
16			106			
17	D16	65:23-66:6	Hearsay			
1 /	D17	67:23-68:22	Hearsay			
18		COURT'S RULINGS:				
19	D15	42:6-43:1		Overruled		
20	D15	43:13-14		Overruled		
21	D15	43:21-23		Overruled		
22	D16	65:23-66:6		Overruled		
23	D17	67:23-68:22		Overruled		
24						

Exhibit 15 – M. H. Shieh (August 1 & 2, 2013)

No.	Freescale Designations	MediaTek Objections	MediaTek Counter Designations	Freescale Objections		
D21	19:1-10; 19:22-20:6		(counters for 19:1-10; 19:22-20:6) 43:24-25; 44:6-7; (counter for 19:22-20:6) 20:16-22	FRE 401/402; FRE 403; Order (Dkt. No. 443); Outside the scope (all objections to 43:24-25; 44:6-7)		
	COURT'S RULINGS:					
D21	43:24-25; 44:6-7		Sustained as to the objection regarding scope; otherwise reserve.			

IT IS SO ORDERED.

Dated: July 7, 2014.

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE