

FEDERAL TRADE COMMISSION

I N D E X (PUBLIC RECORD)

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WITNESS:

Dr. Oh (Via deposition transcript)

EXHIBITS                      FOR ID              IN EVID              WITHDRAWN

CX

Number 205A		4074	
Number 206		4074	
Number 207A		4073	
Number 883		4075	
Number 890		4076	
Number 1612		4110	
Number 1926		4073	
Number 1933		4073	
Number 1938		4072	
Number 1939		4072	
Number 1943		4072	
Number 1956		4073	
Number 1960		4074	
Number 1973		4075	
Number 1974		4074	
Number 1976		4074	
Number 1977		4072	

1	<u>CX</u>	
2	Number 1983	4075
3	Number 1984	4071
4	Number 1995	4075
5	Number 1996	4075
6	Number 2008	4072
7	Number 2014	4076
8	Number 2237	4109
9	Number 2288	4109
10	Number 2289	4109
11	Number 2290	4109
12	Number 2294	4110
13	Number 2297	4110
14	Number 2306	4110
15	Number 2334	4110
16		
17	<u>RX</u>	
18	Number 9	4073
19	Number 2275	4111
20		
21	<u>JX</u>	
22	None	
23		
24	<u>DX</u>	
25	None	

1 UNITED STATES OF AMERICA  
2 FEDERAL TRADE COMMISSION  
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5 In the Matter of: )  
6 Rambus, Inc. ) Docket No. 9302  
7 -----)

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9  
10 Tuesday, June 3, 2003

11 11:00 a.m.  
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14 **TRIAL VOLUME 21**

15 **PART 1**

16 **PUBLIC RECORD**  
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18 BEFORE THE HONORABLE STEPHEN J. McGUIRE

19 Chief Administrative Law Judge

20 Federal Trade Commission

21 600 Pennsylvania Avenue, N.W.

22 Washington, D.C.  
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27 Reported by: Susanne Bergling, RMR

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**P R O C E E D I N G S**

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JUDGE McGUIRE: This hearing is now in order.

Any housekeeping tasks we need to take up this morning?

MR. OLIVER: Good morning, Your Honor.

JUDGE McGUIRE: Good morning.

MR. OLIVER: First, I did want to thank you very, very much for the very quick ruling with respect to Dr. Oh that allows us to proceed this morning. The one housekeeping matter, Your Honor, and I apologize that I was not present the day the transcript of Mr. Willie Meyer was presented, my understanding is that there -- at that time the decision was made not to have the court reporter actually transcribe while the video was being played or while the transcripts were being read.

My understanding is that Ms. Manning has raised a FOIA issue, and frankly, she knows this issue better than I do. I would ask if it would be possible for her to address this issue briefly in order to bring this issue to Your Honor's attention.

JUDGE McGUIRE: All right, yeah, go ahead.

MS. MANNING: Good morning, Your Honor.

JUDGE McGUIRE: Good morning.

1 MS. MANNING: When we had decided that we would  
2 put the testimony, the designated testimony, as  
3 exhibits, as an attachment to the transcript, it raised  
4 certain issues with regard to FOIA, because under FOIA,  
5 any type of exhibit is not disclosable unless the  
6 person makes a FOIA request, and the transcripts are  
7 actually available to the public at their request. So,  
8 we ran into some issues with regard to how we had  
9 previously done it under Schering and Chicago Bridge  
10 where we put the testimony into the record and so it  
11 was available for the public, and now we have realized  
12 that there is an issue now that we are treating it a  
13 little bit differently, so that's a concern with us.

14 What we have done is we have compiled all of  
15 Mr. Vincent's --

16 JUDGE McGUIRE: I'm sorry, you've done what?

17 MS. MANNING: We have compiled all of Mr.  
18 Vincent's testimony. We agreed that that's what took  
19 place that day with a couple of exceptions, and we are  
20 looking into trying to electronically attach it to the  
21 transcript, to have that available, but we are not  
22 certain that that can take place. So, in our view --  
23 we have discussed this both with the court reporter and  
24 with the other side. Because of the distinction  
25 between exhibits and testimony, we do feel that it

1           should be reflected in the record, and we're willing to  
2           do whatever we need to do to, you know, achieve that,  
3           but it has raised some concerns.

4                    JUDGE McGUIRE:  Mr. Perry, do you want to  
5           respond to that?

6                    MR. PERRY:  Your Honor, our concerns in the  
7           past and I believe the court reporter the last time you  
8           spoke to her, not this one but the other one, was that  
9           there are undoubtedly going to be some small  
10          distinctions or maybe large distinctions, we don't  
11          know, between what's already been transcribed from  
12          those depositions and what would be transcribed today,  
13          and I can't imagine why there's any reason why an  
14          electronic version of what has already been transcribed  
15          can't be prepared as it has been for Mr. Meyer and Mr.  
16          Vincent  --

17                    JUDGE McGUIRE:  So, are you saying that we  
18          should take  -- in order to resolve this issue, are you  
19          saying we should take the previous transcribed  
20          testimony of Mr. Vincent and offer it somehow or  -- I'm  
21          not clear what you're saying, Mr. Perry.

22                    MR. PERRY:  Yes, that's what I'm suggesting.  
23          That's what we were assuming would happen in that the  
24          parties have designated various pieces of it, and that  
25          will be prepared and will be the testimony that's in



1 the record.

2 Now, what I understand Ms. Manning to be saying  
3 is that if it's an exhibit -- which it wasn't offered  
4 as an exhibit --

5 JUDGE McGUIRE: It was an attachment, as I  
6 recall.

7 MR. PERRY: It's an attachment, and therefore,  
8 it can be an electronic attachment. It can be a PDF,  
9 Your Honor.

10 JUDGE McGUIRE: Why can't that be accomplished?

11 MS. MANNING: We're not sure that can be  
12 accomplished, but the way it stands right now is it  
13 would have to be marked as an exhibit --

14 JUDGE McGUIRE: Why would it have to be marked  
15 as an exhibit? It hasn't been entered as an exhibit.

16 MS. MANNING: Well, that's why --

17 JUDGE McGUIRE: I'm just asking you. You say  
18 that with certainty. I'm not quite certain why that's  
19 the case.

20 MS. MANNING: Because we are not sure we can  
21 attach it electronically to the end of the transcript.  
22 We cannot insert it now because of the pagination into  
23 each place where it took place, so we have prepared it  
24 electronically. We sent it to the court reporter  
25 yesterday to see if it can be put in. It may be able

1 to be put into an ASCII transcript. We are just not  
2 sure. It will not be able to be put into a Minuscript  
3 transcript.

4 If that is not the case, then we will need to  
5 offer this as an exhibit, because there really is no  
6 other thing other than an exhibit. We can't just  
7 append it to the transcript, because that puts  
8 responsibility on the court reporter if it's only in  
9 paper format.

10 JUDGE McGUIRE: Well, I know when we first took  
11 this up it was at the behest of the court reporter that  
12 I do it in this fashion to make it a lot easier for  
13 them to transcribe and avoid confusion. Apparently we  
14 have accomplished just the opposite.

15 MR. PERRY: Well, Your Honor, I don't think  
16 there's any real confusion. FOIA certainly does not  
17 require Minuscripts, the four to a page version.

18 JUDGE McGUIRE: Yes, yes.

19 MR. PERRY: I can't believe that that's in the  
20 statute or --

21 JUDGE McGUIRE: I can't either.

22 MR. PERRY: If that's the only distinction  
23 here, we really -- I don't think that that means today  
24 we ought to go through four hours or more of having  
25 this reporter type --

1 JUDGE McGUIRE: No, I don't intend to do that.  
2 Has FTC talked to the court reporter --

3 MS. MANNING: We discussed this both with the  
4 other side and with the court reporting agency, and  
5 what was the problem was there were numerous  
6 conversations going at the same time. When you were  
7 speaking to the court reporter, we were also talking to  
8 the court reporting agency about what had been done in  
9 the past and what the procedure has been.

10 JUDGE McGUIRE: What's done in the past  
11 apparently has no application here, because the  
12 protocol that we've decided to follow in this case is  
13 not what's been done in the past. So --

14 MS. MANNING: Right.

15 JUDGE McGUIRE: -- we have to deal with what we  
16 have here.

17 You know, are you at an impasse? You can't --  
18 you don't know -- are you looking to the Court for  
19 guidance here?

20 MS. MANNING: Yes, as I expressed, we  
21 previously within Schering and Chicago Bridge, we did  
22 have the testimony recorded. We agreed with the other  
23 side that we would make every effort to make sure it  
24 was accurate. If there was some testimony that was  
25 difficult, we would treat that differently, but that

1 would be our preference.

2 JUDGE McGUIRE: You're saying to go back  
3 through this again and have it transcribed with this  
4 court reporter, is that what you are saying?

5 MS. MANNING: No, for moving forward, Your  
6 Honor.

7 JUDGE McGUIRE: I'm sorry?

8 MS. MANNING: For moving forward with any  
9 further designations that we would do it in the way  
10 that we had done in the past.

11 JUDGE McGUIRE: Okay, Mr. Perry, go ahead.

12 MR. PERRY: Well, I don't think that the past  
13 binds us in any way. We ought to do what's right  
14 moving forward, and particularly with some of these  
15 witnesses -- and we'll see in Dr. Oh's case -- are  
16 very  
17 difficult to understand, and I think that was raised by  
18 the testimony with respect to Mr. Meyer as well with a  
19 German accent.

20 I really don't think that someone sitting here  
21 miles away from the speaker is going to do as good a  
22 job as someone who was in the room and able to talk to  
23 the witness about spellings and whatnot, and I think  
24 that the transcript is going to be a problem when we  
25 get it. We're just creating a whole lot of unnecessary  
26 work.

1                   JUDGE McGUIRE: I agree. I mean, I think it's  
2                   terribly confusing, and I still am not clear as to why  
3                   the FTC cannot append somehow the previous transcript  
4                   to whatever we have to do to make it good under FOIA.  
5                   I mean, is that -- I don't quite understand -- I'm not  
6                   being critical. I'm just trying to understand as to  
7                   how come you can't employ that device.

8                   MS. MANNING: No, I understand, Your Honor, and  
9                   perhaps we should defer to the court reporter, because  
10                  we raised that as trying to solve those with Mr. Meyer  
11                  and Mr. Vincent's testimony, was that's something that  
12                  we could do in order to meet the public disclosure  
13                  requirements, and we don't know. We have asked, and  
14                  they don't know.

15                  JUDGE McGUIRE: Why don't you all I guess  
16                  confer on this further, and when you hopefully reach  
17                  some sort of understanding as to what is doable and  
18                  what's not doable, then we'll take this up again, but  
19                  that's certainly my preference as to how I would like  
20                  to I think proceed, because I think to do it otherwise,  
21                  as has been done in CBI and I guess Schering, is  
22                  terribly confusing, and I think it's going to cause  
23                  more problems than not.

24                  So, I appreciate the concern at this point, and  
25                  why don't we see, you know, what can be done in the

1 interim, and then if we still have a problem with it,  
2 you know, we'll take it up again and see what we can  
3 do.

4 Mr. Perry, to the extent you should have some  
5 input on this, please feel free with opposing counsel  
6 and the court reporter, and let's see if we can get  
7 this worked out.

8 MR. PERRY: Thank you.

9 MS. MANNING: Okay, and we would --

10 MR. OLIVER: Thank you, Your Honor.

11 MS. MANNING: -- we would like to just  
12 basically try to wrap up as best as we could Mr.  
13 Vincent's testimony, so we have some exhibits that we  
14 would like admitted into the record, if we could just  
15 do that.

16 JUDGE McGUIRE: Okay, that's --

17 MR. STONE: We're ready.

18 MS. MANNING: CX-1984.

19 MR. STONE: No objection.

20 JUDGE McGUIRE: Entered.

21 **(CX Exhibit Number 1984 was admitted into**  
22 **evidence.)**

23 MS. MANNING: CX-2008.

24 MR. STONE: No objection.

25 JUDGE McGUIRE: Entered.

1                   **(CX Exhibit Number 2008 was admitted into**  
2 **evidence.)**

3                   MS. MANNING: CX-1977.

4                   MR. STONE: No objection.

5                   JUDGE McGUIRE: Entered.

6                   **(CX Exhibit Number 1977 was admitted into**  
7 **evidence.)**

8                   MS. MANNING: CX-1938.

9                   MR. STONE: No objection.

10                  JUDGE McGUIRE: Entered.

11                  **(CX Exhibit Number 1938 was admitted into**  
12 **evidence.)**

13                  MS. MANNING: CX -1939.

14                  MR. STONE: No objection.

15                  JUDGE McGUIRE: Entered.

16                  **(CX Exhibit Number 1939 was admitted into**  
17 **evidence.)**

18                  MS. MANNING: CX-1943.

19                  MR. STONE: No objection.

20                  JUDGE McGUIRE: Entered.

21                  **(CX Exhibit Number 1943 was admitted into**  
22 **evidence.)**

23                  MS. MANNING: CX-1956.

24                  MR. STONE: No objection.

25                  JUDGE McGUIRE: Entered.

1                   **(CX Exhibit Number 1956 was admitted into**  
2 **evidence.)**

3                   MS. MANNING: CX-1926.

4                   MR. STONE: No objection.

5                   JUDGE McGUIRE: Entered.

6                   **(CX Exhibit Number 1926 was admitted into**  
7 **evidence.)**

8                   MS. MANNING: CX-1933.

9                   MR. STONE: No objection.

10                  JUDGE McGUIRE: Entered.

11                  **(CX Exhibit Number 1933 was admitted into**  
12 **evidence.)**

13                  MS. MANNING: CX-207A.

14                  MR. STONE: No objection.

15                  JUDGE McGUIRE: Entered.

16                  **(CX Exhibit Number 207A was admitted into**  
17 **evidence.)**

18                  MS. MANNING: RX-9.

19                  MR. STONE: No objection.

20                  JUDGE McGUIRE: Entered.

21                  **(RX Exhibit Number 9 was admitted into**  
22 **evidence.)**

23                  MS. MANNING: CX-206.

24                  MR. STONE: No objection.

25                  JUDGE McGUIRE: Entered.



1                   **(CX Exhibit Number 206 was admitted into**  
2 **evidence.)**

3                   MS. MANNING: CX-205A.

4                   MR. STONE: No objection.

5                   JUDGE McGUIRE: Entered.

6                   **(CX Exhibit Number 205A was admitted into**  
7 **evidence.)**

8                   MS. MANNING: CX-1960.

9                   MR. STONE: No objection.

10                  JUDGE McGUIRE: Entered.

11                  **(CX Exhibit Number 1960 was admitted into**  
12 **evidence.)**

13                  MS. MANNING: CX-1974.

14                  MR. STONE: No objection.

15                  JUDGE McGUIRE: Entered.

16                  **(CX Exhibit Number 1974 was admitted into**  
17 **evidence.)**

18                  MS. MANNING: CX-1976.

19                  MR. STONE: No objection.

20                  JUDGE McGUIRE: Entered.

21                  **(CX Exhibit Number 1976 was admitted into**  
22 **evidence.)**

23                  MS. MANNING: CX-1983.

24                  MR. STONE: No objection.

25                  JUDGE McGUIRE: Entered.

1                   **(CX Exhibit Number 1983 was admitted into**  
2 **evidence.)**

3                   MS. MANNING: CX-1973.

4                   MR. STONE: No objection.

5                   JUDGE McGUIRE: Entered.

6                   **(CX Exhibit Number 1973 was admitted into**  
7 **evidence.)**

8                   MS. MANNING: CX-1996.

9                   MR. STONE: No objection.

10                  JUDGE McGUIRE: Entered.

11                  **(CX Exhibit Number 1996 was admitted into**  
12 **evidence.)**

13                  MS. MANNING: CX-1995.

14                  MR. STONE: That document, we have no objection  
15 to its admission, but it needs to be afforded in camera  
16 treatment consistent with the Court's prior ruling.

17                  JUDGE McGUIRE: All right, so noted. Entered.

18                  **(CX Exhibit Number 1995 was admitted into**  
19 **evidence.)**

20                  MS. MANNING: CX-883.

21                  MR. STONE: No objection.

22                  JUDGE McGUIRE: Entered.

23                  **(CX Exhibit Number 883 was admitted into**  
24 **evidence.)**

25                  MS. MANNING: CX-890.

1 MR. STONE: No objection.

2 JUDGE McGUIRE: Entered.

3 **(CX Exhibit Number 890 was admitted into**  
4 **evidence.)**

5 MS. MANNING: CX-2014.

6 MR. STONE: No objection.

7 JUDGE McGUIRE: Entered.

8 **(CX Exhibit Number 2014 was admitted into**  
9 **evidence.)**

10 MS. MANNING: For the record, we inadvertently  
11 omitted a couple of passages from Mr. Vincent's  
12 designations, and we would just like to read the  
13 citations into the record so that --

14 JUDGE McGUIRE: Mr. Stone, any objection to  
15 that?

16 MR. STONE: No, Your Honor.

17 **(Discussion off the record.)**

18 JUDGE McGUIRE: Okay, let's proceed with the  
19 ongoing designations of Mr. Vincent.

20 MS. MANNING: Okay, we would like the record to  
21 reflect that Mr. Vincent's designations should include  
22 testimony from April 11, 2001, page 299, line 5,  
23 through page 302, line 3.

24 From April 11th, 2001, page 323, line 6,  
25 through page 323, line 15.

1                   October 9th, 2001, page 539, line 14, to page  
2                   540, line 12.

3                   And from his April 12th, 2001 testimony, page  
4                   416, line 12, through page 422, line 9. Some of that  
5                   portion was read into the record, but it should be  
6                   inclusive of that entire passage.

7                   And that's it, Your Honor.

8                   JUDGE McGUIRE: Okay, thank you very much.

9                   Counsel, I want to take up -- as you know, I  
10                  issued an order this morning on the proposed testimony  
11                  of Dr. Oh. Where are we going on this type of  
12                  testimony in the future? Is this going to come up  
13                  again with other proposed testimony by either videotape  
14                  or in transcript deposition, and if so, I will tell  
15                  you, I'm not a -- I do not enjoy going and spending  
16                  hours of my time going through these things line by  
17                  line, page by page, and if this is going to be an  
18                  ongoing concern, I think we need to speak as to where  
19                  we're going on this.

20                  Anyone have any thoughts on what you anticipate  
21                  in this regard and just to fill me in on where we're  
22                  headed for this type of testimony in the future?

23                  MR. STONE: Well, Your Honor, I think -- I'm  
24                  not sure I understand completely your concern, but I  
25                  think I understand at least part of it. I think we are

1 now completed with the third-party depositions that  
2 complaint counsel intend to offer with the exception of  
3 Reese Brown, who we still have to do, which raises some  
4 issues but is not as extensive and which I think the  
5 briefing may be now complete -- I'm not sure.

6 MR. PERRY: I think we've got --

7 JUDGE McGUIRE: I ruled on that last Friday.

8 MR. STONE: You've ruled on that?

9 MR. PERRY: Yes. There isn't really an  
10 overarching issue with respect to Mr. Brown.

11 JUDGE McGUIRE: Right.

12 MR. STONE: So, I think the remainder of the  
13 depositions that complaint counsel intend to present  
14 are mostly of current or former Rambus employees, so  
15 the nature of the objections and the type of the  
16 objections is somewhat different and not quite as  
17 difficult.

18 JUDGE McGUIRE: Now, are these individuals that  
19 are going to be in here live testifying or are you --  
20 I'm referring to the proposed testimony purely by  
21 deposition.

22 MR. STONE: No, and I understood that. These  
23 are -- they intend to offer testimony of a number of  
24 Rambus employees through deposition, as I understand  
25 it, not live, and we have -- so, we have fewer

1 objections, and the objections are more in the nature  
2 of the types of objections you'd hear us make during  
3 trial, but the volume of the transcripts is -- there is  
4 no question is enormous.

5 I think the total volume of the transcripts  
6 from which designations have been made so far must fill  
7 two boxes. I know Mr. Karp that we did over the  
8 weekend was five -- six days of testimony from Mr.  
9 Karp. So, there's been a lot of testimony and a lot of  
10 it has been designated.

11 The objection part may get easier in the sense  
12 that the objections aren't -- don't go to the same kind  
13 of maybe as difficult issues --

14 JUDGE McGUIRE: Right, not hearsay, but perhaps  
15 they're leading in nature or something.

16 MR. STONE: But the volume of objections,  
17 although certainly less with many of these witnesses  
18 and we have tried to conform -- at least on our part  
19 tried to conform our objections to how you've ruled  
20 during the course of the trial, there still is going to  
21 be quite a few of those objections, and I do -- it  
22 takes me back to the point we talked about earlier,  
23 which is about how to do the depositions.

24 I remain of the view that we should look for  
25 some other way to simplify the presentation of

1 deposition testimony, because otherwise, we do have  
2 several more days of the testimony either being read or  
3 played.

4 JUDGE McGUIRE: Well, that's an issue unto  
5 itself. I mean, my concern is how am I at this point  
6 to deal with any objections to certain excerpts, and  
7 you know, I -- as you know, I mean, you all have been  
8 doing this as well, this takes a long time to go  
9 through this, for you to go through it on the one hand  
10 and decide whether you want to object and then for  
11 their side to respond and then for me to go through all  
12 that and issue determinations on each and every  
13 excerpt.

14 Is there a better way for us to do this? I  
15 mean, because from what I'm hearing now, I'm going to  
16 be engaged in this exercise now for the next several  
17 weeks, and I'm not sure I have the time and the staff  
18 at this point to engage in that activity.

19 MR. STONE: I share your concern with that.  
20 One possibility was if instead of the transcripts then  
21 being read a second time in open court, we simply gave  
22 you the transcripts that have been marked, you ruled on  
23 the objections as you went. You read the transcript,  
24 ruled as you went, handed the transcript back to us  
25 with your ruling marked in the margin, and we didn't

1           then read the transcript a second time, and we would  
2           reduce that. You would get the transcript once, you  
3           would read through it, and you'd rule in the margins,  
4           and we'd know. That's one possibility.

5                       I guess the other one is to tell us -- and to  
6           some extent we've done this, but I guess you could push  
7           us on it more -- to try to resolve some of those  
8           objections on our own so we don't have this many to  
9           present to you.

10                      JUDGE McGUIRE: Well, this obviously would be  
11           my preference, and hopefully by now I've tried to  
12           address the issue of hearsay in most of these examples,  
13           hopefully by now, and I have tried to be I guess  
14           consistent. Obviously some of these are judgment  
15           calls. Some of them are close calls. So, they might  
16           still be hearsay to some extent, but I still may let  
17           them in. So -- but I think by and large, the parties  
18           should have some idea as to how I'm entertaining some  
19           of these excerpts and any opposition thereto, and I  
20           think the key to it is going to be for the two sides to  
21           confer again and maybe instead of me having to go  
22           through all this, I would take note of any opposition  
23           as they come up in the record, and then determine it in  
24           post-hearing or something.

25                      I don't know. I don't know. I'm just throwing



1           that out, because this is going to take the Court hours  
2           upon hours of time outside of my hours in the court  
3           every day, and it's going to be a tough task that may  
4           slow up the hearing, and I'd just as soon not have to  
5           go through that to the same extent I've had to go  
6           through it on Dr. Oh.

7                         Mr. Oliver?

8                         MR. OLIVER: Yes, Your Honor, if I could just  
9           respond to a couple of different issues.

10                        First of all, with respect to the presentation  
11           aspect, we do think that with respect to a number of  
12           the Rambus employees and agents, particularly those  
13           that aren't called live and appear live, it may not be  
14           necessary to actually read or present their deposition  
15           testimony in court. We do expect, though, that there  
16           will be probably at least one or two that we will want  
17           to do, and in addition, if they choose not to call any  
18           individuals, we may then want to come back and present  
19           that deposition testimony live as well.

20                        Your Honor, frankly, we do share the concern  
21           and certainly the frustration as well. We do think  
22           that the number of objections has been far, far higher  
23           with respect to the deposition testimony than it has  
24           been with respect to the testimony in open court.

25                        The one thing that we did propose initially

1           that I'd like to come back is the possibility of simply  
2           dealing with objections on the fly as we go. That is  
3           what we did with respect to Mr. Vincent, and I noted  
4           that there were many more objections noted in the  
5           margin of the transcripts than counsel actually raised  
6           during the course of the reading.

7                         JUDGE McGUIRE: Yes.

8                         MR. OLIVER: And I think that first of all  
9           serves as a restraint on us to keep the restraint -- to  
10          keep the objections to a minimum, keep them to the  
11          serious objections.

12                        JUDGE McGUIRE: I think that's a good idea. I  
13          think that's one the Court would prefer. I would  
14          rather just rule on them in Open Court as we go. It  
15          would make it a lot easier on me and perhaps the  
16          parties as well. That way you don't have to draft up,  
17          you know, your briefs, again going through it line by  
18          line, and perhaps that would be an easier way to  
19          proceed.

20                        Mr. Stone, would you --

21                        MR. STONE: That's fine, Your Honor. That's  
22          fine.

23                        JUDGE McGUIRE: I think that's the best way to  
24          do it, and it may slow us up a little bit, but at least  
25          over time I think that's more efficient.

1           MR. STONE: I just think with -- I think sort  
2 of the core issues like were raised to some extent by  
3 Dr. Oh and Mr. Brown's testimony, I think to the extent  
4 those issues were properly briefed so you have a brief  
5 to consider, I think we're past that point. I think  
6 the objections that were made --

7           JUDGE McGUIRE: Right, I agree. And again, you  
8 are not always going to agree with what I do. You  
9 know, some you are going to win, others you won't,  
10 but --

11          MR. STONE: Right.

12          JUDGE McGUIRE: -- my -- I tried to put out  
13 there the standard that I was going to employ, and that  
14 will certainly be the standard in the future, and I try  
15 to -- my best to avoid just raw hearsay. It's not  
16 coming in in this proceeding. If I can ID it and be on  
17 top of it, then I am going to exclude it, and you know,  
18 testimony needs to have a properly laid foundation.  
19 These are just inherent rules of trial practice.

20          So, if we can adhere to those, I think that  
21 would make it whole lot easier, but I think that's the  
22 way to go, just as we proceed.

23          MR. STONE: I think that's fine, Your Honor.  
24 The only other issue, I guess is we did file a brief on  
25 the use of Mr. Karp's testimony --

1 JUDGE McGUIRE: Yeah, I saw that.

2 MR. STONE: -- from a different proceeding, and  
3 that's the kind of issue on which I think you might  
4 want a brief from them in order to resolve it.

5 JUDGE McGUIRE: But there you are talking about  
6 other issues pretty much, aren't you?

7 MR. STONE: Yes, they aren't the overarching --

8 JUDGE McGUIRE: But that's not the same thing  
9 we've seen with Dr. Oh.

10 MR. STONE: No.

11 JUDGE McGUIRE: Okay, I've seen that, and I  
12 have no problem with that.

13 To the extent that we have an understanding on  
14 that, that's how we'll proceed, and again, I urge the  
15 parties to confer and see to the extent that -- and I  
16 think consistent with perhaps the standards I've put  
17 forth in the order on Dr. Oh, let's try to follow that,  
18 and hopefully we'll expedite this proceeding in that  
19 regard.

20 MR. OLIVER: Thank you, Your Honor.

21 JUDGE McGUIRE: Let me ask you, Mr. Stone, as  
22 you know, I received the motion for a protective order  
23 from third party Micron. I assume you intend to file a  
24 response to that?

25 MR. STONE: Yes, Your Honor.

1 JUDGE McGUIRE: Do you have some idea when I  
2 might receive it? There is no big rush, but --

3 MR. STONE: We might be able to -- certainly by  
4 Monday, I think.

5 JUDGE McGUIRE: Okay, okay.

6 MR. STONE: I think certainly by Monday.

7 JUDGE McGUIRE: The only other thing I want to  
8 take up, I had advised everyone that next Friday, June  
9 13th, I had an obligation which would only give us an  
10 opportunity to have a hearing for half a day. I have  
11 since had that resolved, so we will be in trial all day  
12 on that Friday, June 13th.

13 Okay, does that take care of everything?

14 MR. OLIVER: Yes, Your Honor.

15 JUDGE McGUIRE: All right, then Mr. Oliver, at  
16 this point, you may proceed.

17 MR. OLIVER: Thank you, Your Honor. Your  
18 Honor, I would like to just give you a brief overview  
19 of today's schedule in order to give you an idea of  
20 what's coming. We had originally put together a set of  
21 video clips for Dr. Oh that total about five hours.  
22 That is why I requested a start time today of 11:00 to  
23 ensure we could finish that.

24 Based on your rulings, I think the total volume  
25 of video clips is now something less than three and a

1 half hours, to give you an idea of the time scope we're  
2 dealing with today.

3 In addition, as you will see, Dr. Oh is, of  
4 course, a native of Korea. English is not his first  
5 language. As a result, there are times when he's a  
6 little bit difficult to understand, and he is very  
7 slow. Frankly, we probably could do this more quickly  
8 if we read it.

9 I was going to suggest we start playing the  
10 video, and at any point if you decide you'd prefer for  
11 us to read, we can switch to reading.

12 JUDGE McGUIRE: Well, let me ask you this, Mr.  
13 Oliver: What -- if it's going to expedite it, why do  
14 you feel it's incumbent that we view the tape? Is that  
15 just so I can determine his credibility or his demeanor  
16 or what is it that you would have me observe in his  
17 taped testimony versus just go ahead and try to  
18 expedite it and just read?

19 MR. OLIVER: That was precisely it, Your Honor,  
20 but if you would prefer to read, that's --

21 JUDGE McGUIRE: Well, that's what I would  
22 prefer if it's going to -- how much time do you think  
23 that will take?

24 MR. OLIVER: It's hard to say since we haven't  
25 tried to time that. I'm guessing that might take two

1 to two and a half hours.

2 JUDGE McGUIRE: Well, that's a no-brainer it  
3 seems to me.

4 MR. OLIVER: Okay.

5 JUDGE McGUIRE: Why don't we do that. Why  
6 don't we proceed on that basis.

7 MR. OLIVER: If you could give us just a moment  
8 to do this, Your Honor.

9 **(Pause in the proceedings.)**

10 MR. OLIVER: Actually, Your Honor, one other  
11 logistical issue. If we are reading the transcript, we  
12 do have the possibility of bringing the exhibits up on  
13 the screen. Would you prefer that to having paper  
14 copies?

15 JUDGE McGUIRE: Mr. Stone, any response to  
16 that?

17 MR. STONE: Oh, I think whichever you prefer is  
18 absolutely fine.

19 JUDGE McGUIRE: I would prefer it on the screen  
20 if that's easier.

21 MR. OLIVER: We're just trying to figure out  
22 which personnel we need and which computers we need,  
23 how we need to use the computers.

24 JUDGE McGUIRE: Okay, go ahead and confer.

25 **(Pause in the proceedings.)**

1 JUDGE McGUIRE: Mr. Oliver, you may proceed.

2 MR. OLIVER: Thank you.

3 May Melissa Kassier take the stand to read the  
4 part of Dr. Oh?

5 JUDGE McGUIRE: Please, please do.

6 MR. STONE: I must say, we're looking forward  
7 to the accent on this one.

8 JUDGE McGUIRE: Obviously someone knew that we  
9 were going to be doing this today. I see a very empty  
10 courtroom.

11 MR. OLIVER: Your Honor, before we proceed, I  
12 do just want to clarify one other point for the record.  
13 I assume that the original marked-up transcript of Dr.  
14 Oh as originally designated would be included in the  
15 record. So, in other words, the portions of the  
16 testimony that were designated and then subsequently  
17 excluded pursuant to objection would still be included  
18 as part of the record?

19 JUDGE McGUIRE: Mr. Stone, any objection?

20 MR. STONE: I think the portions that they  
21 offered to which an objection was sustained should be  
22 included in the record so the record is clear.  
23 Obviously it couldn't be cited in support of findings,  
24 but it should be there for review just as any other  
25 testimony that's offered and then objections sustained



1 as part of the record.

2 JUDGE McGUIRE: How do you want to have that  
3 marked, as a proposed exhibit or just go ahead and mark  
4 it as a CX exhibit and then not enter it or -- I mean,  
5 I can preserve it in the record if that's what  
6 you're --

7 MR. OLIVER: I mean, I think we could cite the  
8 CX or could cite the transcript as a CX exhibit that  
9 would be included in the record.

10 JUDGE McGUIRE: You mean included -- you mean  
11 entered in the record as an exhibit or as just  
12 something that's marked for the record and preserved in  
13 case of appeal?

14 MR. OLIVER: It would be marked and preserved,  
15 although my understanding is that would also be  
16 included in what is sent to the Commission.

17 JUDGE McGUIRE: Right, it would be preserved is  
18 what I'm calling that. It wouldn't be entered into  
19 this record, but it's still a part of the overall  
20 record. It's just not what I call being entered into  
21 the record, but it is still maintained in the case  
22 file, and it would go up to the Commission if they  
23 chose to go into it.

24 MR. OLIVER: Yes, Your Honor, that is what I  
25 was referring to.

1 JUDGE McGUIRE: Okay.

2 MR. STONE: And that's my understanding, just  
3 like an exhibit that was offered and --

4 JUDGE McGUIRE: Right, but not entered.

5 MR. STONE: -- not entered, it would be part of  
6 the record.

7 JUDGE McGUIRE: Right, right, that's what I  
8 understand as well.

9 MR. OLIVER: Okay, thank you, Your Honor. We  
10 wish to start with Volume 1 of Dr. Oh's transcript from  
11 January 8, 2003, and the first reading will be at page  
12 8, line 13.

13 JUDGE McGUIRE: Okay, Mr. Oliver, just let me  
14 interject again now, is this going to be on the screen  
15 again, this -- or do I need to have a hard copy of the  
16 deposition?

17 MR. OLIVER: I apologize, Your Honor. May I  
18 approach?

19 JUDGE McGUIRE: Yes. Thank you.

20 Okay, go ahead.

21 MR. OLIVER: And I should also mention, after I  
22 designate the section in each case, we will try to  
23 indicate any appropriate rulings, whether they have  
24 been sustained or overruled, and then pause to give  
25 opposing counsel a chance to double-check what I've

1 done. Again, we very much appreciate your very quick  
2 ruling on this. Obviously we have been working very  
3 quickly to try to incorporate your ruling into what we  
4 are designating, and I just want to be certain I do not  
5 make any mistakes.

6 JUDGE McGUIRE: Okay.

7 MR. OLIVER: The first segment is in Volume 1,  
8 page 8, line 13, to page 9, line 9, and I believe that  
9 there are no objections to this portion of the  
10 testimony.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next portion of the transcript  
13 runs from page 11, line 3, to page 17, line 24.

14 **(Transcript read into the record.)**

15 MR. OLIVER: The next portion of the transcript  
16 that has been designated runs from page 18, line 13, to  
17 page 20, line 25.

18 **(Transcript read into the record.)**

19 MR. OLIVER: The next portion of the transcript  
20 runs from page 23, line 3, to page 24, line 15.

21 **(Transcript read into the record.)**

22 MR. OLIVER: The next portion of the transcript  
23 that has been designated runs from page 25, line 12, to  
24 page 25, line 17.

25 **(Transcript read into the record.)**

1 MR. OLIVER: The next portion of the transcript  
2 runs from page 26, line 2, to page 26, line 7.

3 **(Transcript read into the record.)**

4 MR. OLIVER: May I approach?

5 JUDGE McGUIRE: Yes. Thank you.

6 MR. OLIVER: May I approach the witness?

7 JUDGE McGUIRE: Yes.

8 MR. OLIVER: The next portion of the transcript  
9 has been designated as page 26, line 16 to page 26,  
10 line 21.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next portion of the transcript  
13 designated runs from page 28, line 6, to page 28, line  
14 19.

15 **(Transcript read into the record.)**

16 MR. OLIVER: The next portion of the transcript  
17 that has been designated runs from page 29, line 7,  
18 through page 31, line 7, and my notes indicate that the  
19 objections relating to this portion have been  
20 overruled.

21 **(Transcript read into the record.)**

22 MR. STONE: Your Honor, to the extent there's  
23 objections made during the course of the deposition  
24 that we aren't re-asserting them, Mr. Oliver doesn't  
25 even need to say for my purposes "objection omitted."

1 If he just wants to skip it and keep going, that's fine  
2 with me.

3 JUDGE McGUIRE: Good. Thank you, Mr. Stone.

4 MR. OLIVER: The next portion of the transcript  
5 designated runs from page 33, line 19, to page 36, line  
6 5.

7 **(Transcript read into the record.)**

8 MR. OLIVER: The next designation ran from page  
9 37, line 9, to page 39, line 1. My notes indicate that  
10 the objection to this portion was sustained.

11 The designation runs from line -- excuse me,  
12 page 39, line 13, to page 39, line 21. My notes  
13 indicate that the objections to this portion were  
14 overruled.

15 **(Transcript read into the record.)**

16 JUDGE McGUIRE: Just let me interject. On  
17 those excerpts where I've sustained the objection, do  
18 we need to go into that during this? I'll be happy to  
19 do that if you think it will help preserve that for the  
20 record, Mr. Stone, but we have the order.

21 MR. STONE: Right, I do not believe --

22 JUDGE McGUIRE: Do we need -- we don't need to  
23 address that, then, do we?

24 MR. STONE: No, I don't believe we do, unless  
25 there's a question as to how the order applies or

1 something. I don't think we need to raise that.

2 JUDGE McGUIRE: Okay, good.

3 Okay, Mr. Oliver, do you understand?

4 MR. OLIVER: Yes. There are a few places in  
5 which a portion of a designation was covered by  
6 objection and sustained, and I would suggest that I  
7 read that just so that we and opposing counsel are on  
8 the same page just to have an understanding of which  
9 portions should be read in and which portions should be  
10 left out.

11 JUDGE McGUIRE: Only in those cases where it's  
12 not clear or I mean --

13 MR. OLIVER: Only in places where a portion of  
14 the designation is affected.

15 JUDGE McGUIRE: Okay, all right.

16 MR. OLIVER: May I approach, Your Honor?

17 JUDGE McGUIRE: Yes.

18 MR. OLIVER: The next designation runs from  
19 page 45, line 4, to page 46, line 4.

20 **(Transcript read into the record.)**

21 MR. OLIVER: The next designation runs from  
22 page 47, line 11, to page 48, line 15.

23 **(Transcript read into the record.)**

24 MR. OLIVER: Actually, Your Honor, would it be  
25 helpful at this point to have a page reference to the

1 document?

2 JUDGE McGUIRE: Probably. If you want to give  
3 it to me, you might want as well give me a page  
4 reference.

5 MR. OLIVER: Your Honor, this is page  
6 CX-2288-113.

7 JUDGE McGUIRE: Okay.

8 **(Transcript read into the record.)**

9 MR. OLIVER: The next designation runs from  
10 page 48, line 16, to page 48, line 20.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next designation runs from  
13 page 52, line 18, to page 54, line 13.

14 MR. STONE: And in light of the prior ruling,  
15 we withdraw that.

16 MR. OLIVER: Your Honor, if I could have just a  
17 moment to confer with opposing counsel.

18 JUDGE McGUIRE: Sure.

19 **(Counsel conferring.)**

20 MR. OLIVER: The next designation begins at  
21 page 53, line 10, and runs through page 54, line 13.

22 **(Transcript read into the record.)**

23 MR. OLIVER: The next designation originally  
24 ran from page 55, line 2, to page 57, line 13. I  
25 propose to read from page 55, line 2, through page 56,

1 line 14.

2 **(Transcript read into the record.)**

3 MR. OLIVER: The next portion runs from page  
4 58, line 8, to page 59, line 7.

5 **(Transcript read into the record.)**

6 MR. OLIVER: The next designation runs from  
7 page 60, line 14, to page 61, line 22.

8 **(Transcript read into the record.)**

9 MR. OLIVER: The next designation runs from  
10 page 62, line 2, to page 62, line 6.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next designation runs from  
13 page 62, line 10, to page 62, line 24.

14 **(Transcript read into the record.)**

15 MR. OLIVER: The next designation runs from  
16 page 63, line 7, to page 63, line 25.

17 **(Transcript read into the record.)**

18 MR. OLIVER: The next portion runs from page  
19 64, line 23, to page 65, line 1.

20 **(Transcript read into the record.)**

21 MR. OLIVER: The next designation runs from  
22 page 65, line 22, to page 66, line 14.

23 **(Transcript read into the record.)**

24 MR. OLIVER: The next segment is on page 68,  
25 from line 11 to line 12.



1                   **(Transcript read into the record.)**

2                   MR. OLIVER: The next segment runs from page  
3 69, line 2, to page 69, line 10.

4                   **(Transcript read into the record.)**

5                   MR. OLIVER: The next segment runs from page  
6 70, line 11, to page 74, line 3.

7                   May I approach?

8                   JUDGE McGUIRE: Yes. You know, let me just  
9 add, Mr. Oliver, if it's going to be on the screen,  
10 then I don't need the hard copy. Now, if there's  
11 anything else in the hard copy that won't be on the  
12 screen, then I'll be happy to take it, but I can see it  
13 just as well on the screen. It's going to help  
14 expedite you having to come up and back all the time,  
15 so I'll leave that up to you.

16                   MR. OLIVER: Yes, Your Honor, I think we can do  
17 it on the screen.

18                   JUDGE McGUIRE: Okay, good, thanks.

19                   MR. OLIVER: This is the segment running from  
20 page 70, line 11, to 74, line 3.

21                   **(Transcript read into the record.)**

22                   MR. OLIVER: The next segment runs from page  
23 75, line 4, to page 77, line 7.

24                   **(Transcript read into the record.)**

25                   MR. OLIVER: The next segment runs from page

1 78, line 12, to page 78, line 25.

2 **(Transcript read into the record.)**

3 JUDGE McGUIRE: Hold it, where are we, Mr.  
4 Oliver?

5 MR. OLIVER: I'm sorry, I apologize, Your  
6 Honor.

7 JUDGE McGUIRE: Okay.

8 MR. OLIVER: The next segment runs from page  
9 84, line 21, through page 85, line 6.

10 **(Transcript read into the record.)**

11 MR. OLIVER: The next segment runs from page  
12 91, line 12, to page 92, line 6.

13 **(Transcript read into the record.)**

14 MR. OLIVER: The next segment runs from page  
15 94, line 11, through page 96, line 21.

16 **(Transcript read into the record.)**

17 MR. OLIVER: The next section runs from page  
18 99, line 5, through 99, line 23.

19 **(Transcript read into the record.)**

20 MR. OLIVER: The next designation runs from  
21 page 103, line 11, to 103, line 13.

22 **(Transcript read into the record.)**

23 MR. OLIVER: The next designation runs from  
24 page 103, line 20, to 105, line 19.

25 **(Transcript read into the record.)**

1 MR. OLIVER: The next section runs from page  
2 106, line 2, to page 106, line 10.

3 **(Transcript read into the record.)**

4 MR. OLIVER: The next designation is from page  
5 109, line 3, to page 109, line 7.

6 **(Transcript read into the record.)**

7 MR. OLIVER: The next designation runs from  
8 page 109, line 23, through page 110, line 19.

9 **(Transcript read into the record.)**

10 MR. OLIVER: The next segment runs from page  
11 111, line 4, to page 115, line 9.

12 **(Transcript read into the record.)**

13 MR. OLIVER: The next segment runs from page  
14 115, line 21, to page 117, line 25.

15 **(Transcript read into the record.)**

16 MR. OLIVER: The next segment runs from page  
17 118, line 22, to page 120, line 3.

18 **(Transcript read into the record.)**

19 MR. OLIVER: The next segment runs from page  
20 122, line 25, to page 123, line 23.

21 **(Transcript read into the record.)**

22 MR. OLIVER: The next segment runs from page  
23 124, line 8, to page 124, line 19.

24 **(Transcript read into the record.)**

25 MR. OLIVER: The next segment runs from page

1 125, line 3, to 125, line 5.

2 **(Transcript read into the record.)**

3 MR. OLIVER: The next segment runs from page  
4 125, line 17, to 125, line 24.

5 **(Transcript read into the record.)**

6 MR. OLIVER: The next segment runs from page  
7 127, line 3, to page 129, line 9.

8 **(Transcript read into the record.)**

9 MR. OLIVER: The next designation runs from  
10 page 135, line 23, to page 138, line 4.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next segment relates to  
13 objections that were sustained in part and overruled in  
14 part, and therefore, I propose to read from page 140,  
15 line 2, to page 143, line 4.

16 **(Transcript read into the record.)**

17 MR. OLIVER: Your Honor, the next designation  
18 runs from page 147, line 3, to page 149, line 1.

19 **(Transcript read into the record.)**

20 MR. OLIVER: Your Honor, at this point I think  
21 we're probably about halfway through. Would this be a  
22 suitable place to break for lunch?

23 JUDGE McGUIRE: Sure. How much time do you all  
24 want to take today? An hour?

25 MR. STONE: An hour is plenty. We can do it in

1 a little less if you want.

2 JUDGE McGUIRE: Do you want 45 minutes?

3 MR. OLIVER: That would be fine, Your Honor.

4 JUDGE McGUIRE: It's five to 1:00. Why don't  
5 we meet back here at 20 until 2:00. We're adjourned,  
6 in recess.

7 **(Whereupon, at 12:55 p.m., a lunch recess was**  
8 **taken.)**

**AFTERNOON SESSION****(1:40 p.m.)**

JUDGE McGUIRE: This hearing is now in order.

Then Mr. Oliver, you may proceed.

MR. OLIVER: Thank you, Your Honor.

Your Honor, this morning, I skipped over one designation that I omitted to read, and I'd like to go back and pick that up if I could, please.

JUDGE McGUIRE: Go ahead.

MR. OLIVER: Beginning at page 143, line 5, and continues to page 144, line 6.

**(Transcript read into the record.)**

MR. OLIVER: The next designation is on page 149, line 19, and that would then run through page 150, line 24. We had just left off discussing Exhibit 8, which we can bring up on the screen.

**(Transcript read into the record.)**

MR. OLIVER: The next designation is from page 154, line 10, through 155, line 5.

**(Transcript read into the record.)**

MR. OLIVER: The next designation runs from page 157, line 11, through 160, line 13.

**(Transcript read into the record.)**

MR. OLIVER: The next designation runs from page 163, line 19, to page 164, line 12.

1                   **(Transcript read into the record.)**

2                   MR. OLIVER: The next designation is from page  
3 168, line 17, through page 169, line 3.

4                   **(Transcript read into the record.)**

5                   MR. OLIVER: The next designation runs from  
6 page 173, line 7, through 173, line 23.

7                   **(Transcript read into the record.)**

8                   MR. OLIVER: Your Honor, that finishes Volume 1  
9 of the transcript of Dr. Oh. We now move to Volume 2.

10                   The first designation is from page 198, line  
11 20, to 198, line 23.

12                   **(Transcript read into the record.)**

13                   MR. OLIVER: The next designation runs from  
14 page 202, line 19, to page 205, line 24.

15                   **(Transcript read into the record.)**

16                   MR. OLIVER: The next designation is page 211,  
17 line 5, to page 211, line 24.

18                   **(Transcript read into the record.)**

19                   MR. OLIVER: The next designation is on page  
20 215, line 3, to page 215, line 10.

21                   **(Transcript read into the record.)**

22                   MR. OLIVER: The next designation is page 221,  
23 line 16, to page 222, line 1.

24                   I'm sorry, hold on just a moment, please, Your  
25 Honor.

1 JUDGE McGUIRE: Sure.

2 **(Counsel conferring.)**

3 MR. OLIVER: That designation has been  
4 withdrawn.

5 The next designation is page 227, line 1,  
6 through page 232, line 18.

7 **(Transcript read into the record.)**

8 MR. OLIVER: The next designation is page 234,  
9 line 19, to page 236, line 11.

10 **(Transcript read into the record.)**

11 MR. OLIVER: The next designation is from page  
12 236, line 19, to page 238, line 11.

13 **(Transcript read into the record.)**

14 MR. OLIVER: The next designation is page 238,  
15 line 17, to page 239, line 9.

16 **(Transcript read into the record.)**

17 MR. OLIVER: The next designation is from page  
18 239, line 17, to page 240, line 8.

19 **(Transcript read into the record.)**

20 MR. OLIVER: The next designation is on page  
21 240, line 20, to page 241, line 6.

22 MR. OLIVER: If we could have just a moment,  
23 please, Your Honor.

24 JUDGE McGUIRE: Sure.

25 **(Pause in the proceedings.)**



1 MR. OLIVER: Page 240, line 20, to page 241,  
2 line 6.

3 **(Transcript read into the record.)**

4 MR. OLIVER: The next designation is page 241,  
5 line 19, to page 242, line 20.

6 **(Transcript read into the record.)**

7 MR. OLIVER: Next designation is page 242, line  
8 25, to page 243, line 7.

9 **(Transcript read into the record.)**

10 MR. OLIVER: The next designation is page 243,  
11 line 17, to page 244, line 5.

12 **(Transcript read into the record.)**

13 MR. OLIVER: The next designation is page 248,  
14 line 2, to page 248, line 15.

15 **(Transcript read into the record.)**

16 MR. OLIVER: The next designation is from page  
17 248, line 18, to page 250, line 4.

18 **(Transcript read into the record.)**

19 MR. OLIVER: The next designation, page 251,  
20 line 22, to page 252, line 11.

21 **(Transcript read into the record.)**

22 MR. OLIVER: The next designation is page 254,  
23 line 9, to page 254, line 22.

24 **(Transcript read into the record.)**

25 MR. OLIVER: The next designation is page 257,

1 line 5, to 258, line 18.

2 **(Transcript read into the record.)**

3 MR. OLIVER: The next designation is page 265,  
4 line 12, to page 265, line 18.

5 **(Transcript read into the record.)**

6 MR. OLIVER: The next designation is page 268,  
7 line 5, to 268, line 16.

8 **(Transcript read into the record.)**

9 MR. OLIVER: The next designation is page 268,  
10 line 25, to page 269, line 13.

11 **(Transcript read into the record.)**

12 MR. OLIVER: The next designation is page 270,  
13 lines 2 and 3.

14 **(Transcript read into the record.)**

15 MR. OLIVER: The next designation is page 271,  
16 line 13, to page 172, line 4.

17 **(Transcript read into the record.)**

18 MR. OLIVER: The next designation is page 272,  
19 line 12, to 272, line 19.

20 **(Transcript read into the record.)**

21 MR. OLIVER: The next designation is page 274,  
22 line 20, to page 278, line 5.

23 **(Transcript read into the record.)**

24 MR. OLIVER: The next designation is page 283,  
25 line 10, to 283, line 13.

1                   **(Transcript read into the record.)**

2                   MR. OLIVER: The next designation, page 285,  
3 line 12, to page 287, line 14.

4                   **(Transcript read into the record.)**

5                   MR. OLIVER: The next designation is page 287,  
6 line 21, through page 289, line 20.

7                   **(Transcript read into the record.)**

8                   MR. OLIVER: The next designation is page 292,  
9 line 3, to page 294, line 16.

10                  **(Transcript read into the record.)**

11                  MR. OLIVER: The next designation is page 295,  
12 line 9, to page 296, line 3.

13                  **(Transcript read into the record.)**

14                  MR. OLIVER: The next designation is page 303,  
15 line 13, to 303, line 21.

16                  **(Transcript read into the record.)**

17                  MR. OLIVER: The next designation is page 321,  
18 line 17, to page 322, line 22.

19                  **(Transcript read into the record.)**

20                  MR. OLIVER: The next designation is page 372,  
21 line 2, to page 372, line 11.

22                  **(Transcript read into the record.)**

23                  MR. OLIVER: The final designation is on page  
24 372, line 24, to page 373, line 3.

25                  **(Transcript read into the record.)**

1 MR. OLIVER: Your Honor, that concludes the  
2 reading of the designated portions of Dr. Oh's  
3 transcript. At this time, I would like to move a  
4 number of exhibits into evidence.

5 JUDGE McGUIRE: Okay.

6 MR. OLIVER: First is CX-2237.

7 MR. STONE: No objection.

8 JUDGE McGUIRE: Entered.

9 **(CX Exhibit Number 2237 was admitted into**  
10 **evidence.)**

11 MR. OLIVER: CX-2288.

12 MR. STONE: No objection.

13 JUDGE McGUIRE: Entered.

14 **(CX Exhibit Number 2288 was admitted into**  
15 **evidence.)**

16 MR. OLIVER: CX-2289.

17 MR. STONE: No objection.

18 JUDGE McGUIRE: Entered.

19 **(CX Exhibit Number 2289 was admitted into**  
20 **evidence.)**

21 MR. OLIVER: CX-2290.

22 MR. STONE: No objection.

23 JUDGE McGUIRE: Entered.

24 **(CX Exhibit Number 2290 was admitted into**  
25 **evidence.)**

1 MR. OLIVER: CX-1612.

2 MR. STONE: No objection.

3 JUDGE McGUIRE: Entered.

4 **(CX Exhibit Number 1612 was admitted into**  
5 **evidence.)**

6 MR. OLIVER: CX-2294.

7 MR. STONE: No objection.

8 MR. McGUIRE: Entered.

9 **(CX Exhibit Number 2294 was admitted into**  
10 **evidence.)**

11 MR. OLIVER: CX-2297.

12 MR. STONE: No objection.

13 JUDGE McGUIRE: Entered.

14 **(CX Exhibit Number 2297 was admitted into**  
15 **evidence.)**

16 MR. OLIVER: CX-2306.

17 MR. STONE: No objection.

18 JUDGE McGUIRE: Entered.

19 **(CX Exhibit Number 2306 was admitted into**  
20 **evidence.)**

21 MR. OLIVER: CX-2334.

22 MR. STONE: No objection.

23 JUDGE McGUIRE: Entered.

24 **(CX Exhibit Number 2334 was admitted into**  
25 **evidence.)**

1 MR. STONE: Your Honor, we also then move in  
2 RX-2275.

3 MR. OLIVER: No objection.

4 JUDGE McGUIRE: So entered.

5 **(RX Exhibit Number 2275 was admitted into**  
6 **evidence.)**

7 MR. STONE: And we agree that Dr. Oh can be  
8 excused and given a couple of days off.

9 JUDGE McGUIRE: Thank you very much.

10 MR. OLIVER: We agree that Dr. Oh could be  
11 excused.

12 JUDGE McGUIRE: Let's see, Mr. Oliver, how did  
13 you intend -- is there anything else you had on tap for  
14 this afternoon?

15 MR. OLIVER: No, Your Honor. We had thought  
16 that Dr. Oh could take the entire day.

17 JUDGE McGUIRE: All right, good. Then tell me  
18 what you have planned for Wednesday again.

19 MR. OLIVER: Yes, Your Honor, tomorrow the  
20 witness will be Mr. Brian Shirley of Micron.

21 JUDGE McGUIRE: Okay, very good. We will  
22 convene here tomorrow morning at 9:30 a.m. This  
23 hearing is adjourned. Thank you.

24 **(Whereupon, at 3:10 p.m., the hearing was**  
25 **adjourned.)**

