# EXHIBIT I Part 1

# Carnegie Mellon University's Presentation on Marvell's JMOL and Motion for New Trial (Non-Damages) – Dkt. 805

May 1 – 2, 2013

Carnegie Mellon

# The Court Should Deny Marvell's JMOL and New Trial Motions on Infringement and Validity

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**Marvell Ignores the Applicable Law**

**CMU's Liability Case was Compelling**

# The Court Should Deny Marvell's JMOL and New Trial Motions on Infringement and Validity

## The law on JMOL favors CMU

**JMOL "should be granted only if, viewing the evidence in the *light most favorable* to the nonmovant and giving it the advantage of *every fair and reasonable inference*, there is insufficient evidence from which a jury reasonably could find liability."**

*Lightening Lube, Inc. v. Witco Corp.,* 4 F.3d 1153, 1166 (3d. Cir. 1993)

**JMOL "should be granted only if, viewing all the evidence which has been tendered and should have been admitted in the light most favorable to the moving party opposing the motion, *no jury could decide in that party's favor*."**

*Walter v. Holiday Inns, Inc.,* 985 F.2d 1232, 1238 (3d Cir. 1993)

**In considering a JMOL motion, the Court "*may not weigh the evidence*, determine the credibility of witnesses, or substitute [its] version of the facts for the jury's version."**

*Agrizap, Inc. v. Woodstream Corp.,* 520 F.3d 1337, 1342 (Fed. Cir. 2008)
(quoting *Lightning Lube, Inc. v. Witco Corp.* 4 F.3d 1153, 1166 (3d Cir. 1993))

# The Court Should Deny Marvell's JMOL and New Trial Motions on Infringement and Validity

## The law on motions for a new trial favors CMU

**"When the motion for a new trial is based on the claim that the verdict is against the clear weight of the evidence, the *Court's discretion is limited*: … that is, where a *miscarriage of justice* would result if the verdict were to stand."**

*Jackson v. City of Pittsburgh,* No. 07-111, 2011 WL 3443951, at *8 (W.D. Pa. Aug. 8, 2011) (internal quotations omitted)

**"The Court must not substitute its own judgment of the facts and *assessment of the witnesses' credibility* for the jury's."**

*Jackson v. City of Pittsburgh,* No. 07-111, 2011 WL 3443951, at *8 (W.D. Pa. Aug. 8, 2011); *Finjan, Inc. v. Secure Computing Corp.,* 626 F.3d 1197, 1203 (Fed. Cir. 2010) (quoting *Williamson v. Consol. Rail Corp.,* 926 F.2d 1344, 1353 (3d Cir. 1991))

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## Credibility is for the jury

> You must consider all of the evidence, but this does not mean you must accept all of the evidence as true or accurate. You are the sole judges of the credibility of the witnesses and the weight their testimony deserves.

12/21/12 Tr. at 57:4-7

> You should consider each expert opinion received in evidence in this case and give it such weight as you think it deserves. If you should decide that the opinion of an expert witness is not based upon sufficient education, and/or experience, or if you should conclude that the reasons given in support of the opinion are not sound, or if you feel that it is outweighed by other evidence, you may disregard that opinion entirely.

12/21/12 Tr. at 59:20-60:2

# The Court Should Deny Marvell's JMOL and New Trial Motions on Infringement and Validity

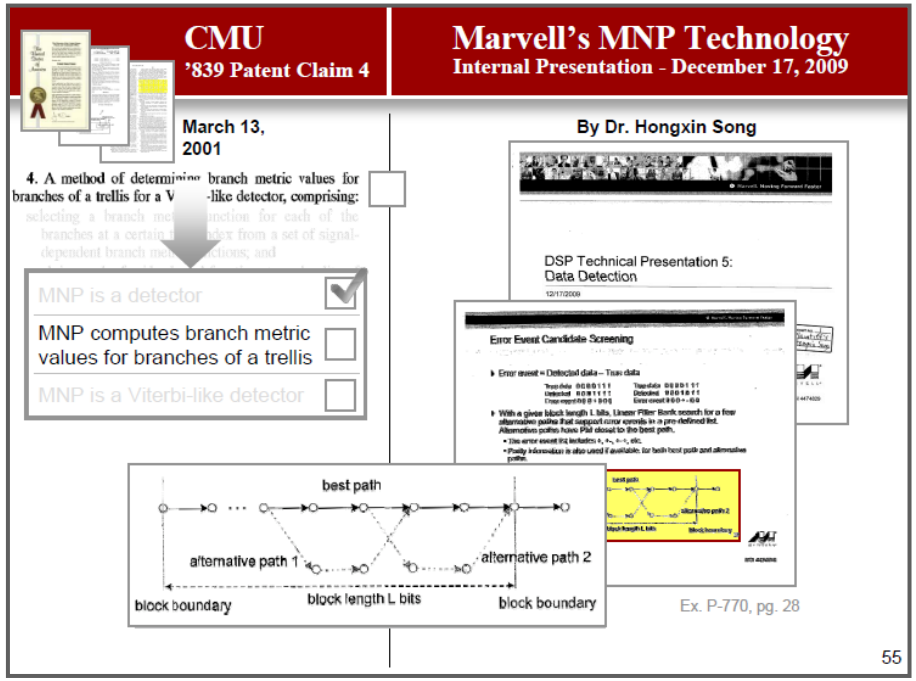
## Marvell raises the following arguments regarding infringement

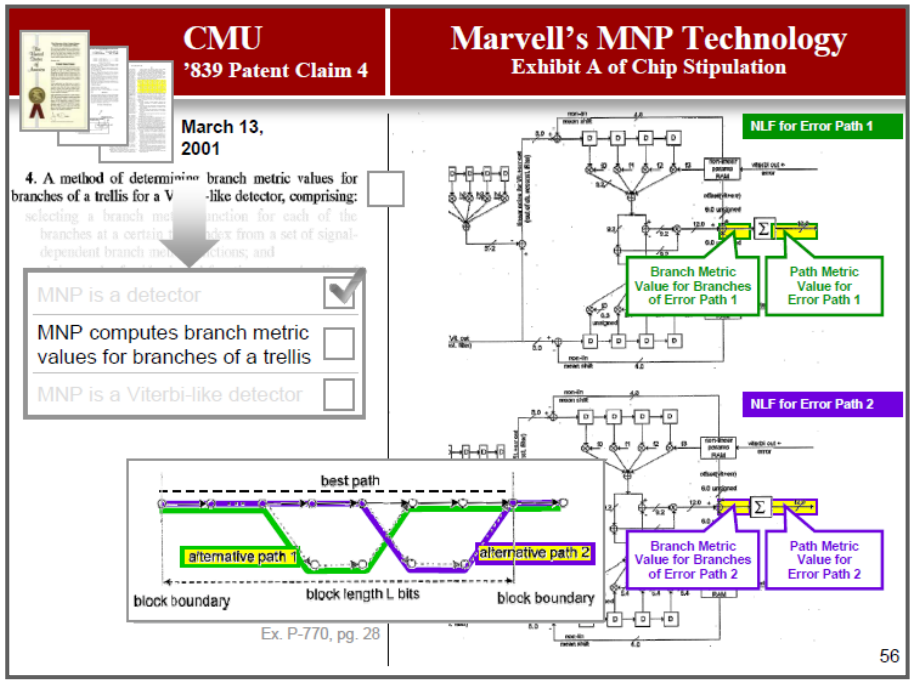
- **MNP:** The MNP does not determine "branch metric values" for "branches" of a "trellis" in its post-processor
- **NLD:** The NLD FIR filters are not part of the "branch metric" computation
- **Simulators:** Simulators are not "detectors" that operate on "signal samples"
- **Indirect Infringement:** Marvell was not willfully blind to its own and its customers' infringement

# The Court Should Deny Marvell's JMOL and New Trial Motions on Infringement and Validity

## Dr. McLaughlin's *infringement* testimony was compelling

**MNP: Using Marvell's documents, Dr. McLaughlin showed that Marvell's MNP post-processor computes "branch metric values" for "branches" of a "trellis"**




P-Demo 7, at 55 and 56

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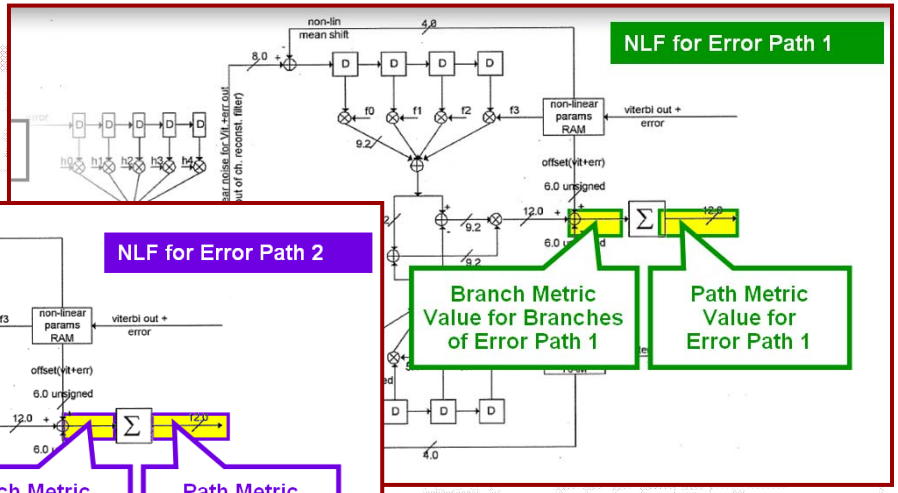


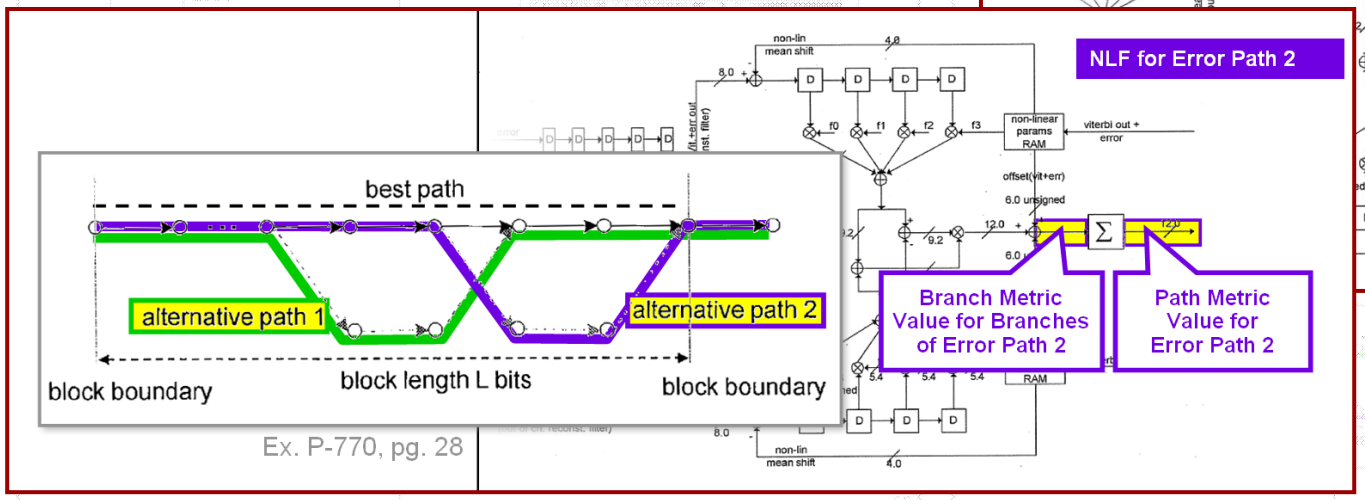


Ex. P-770, pg. 28

P-Demo 7, at 56

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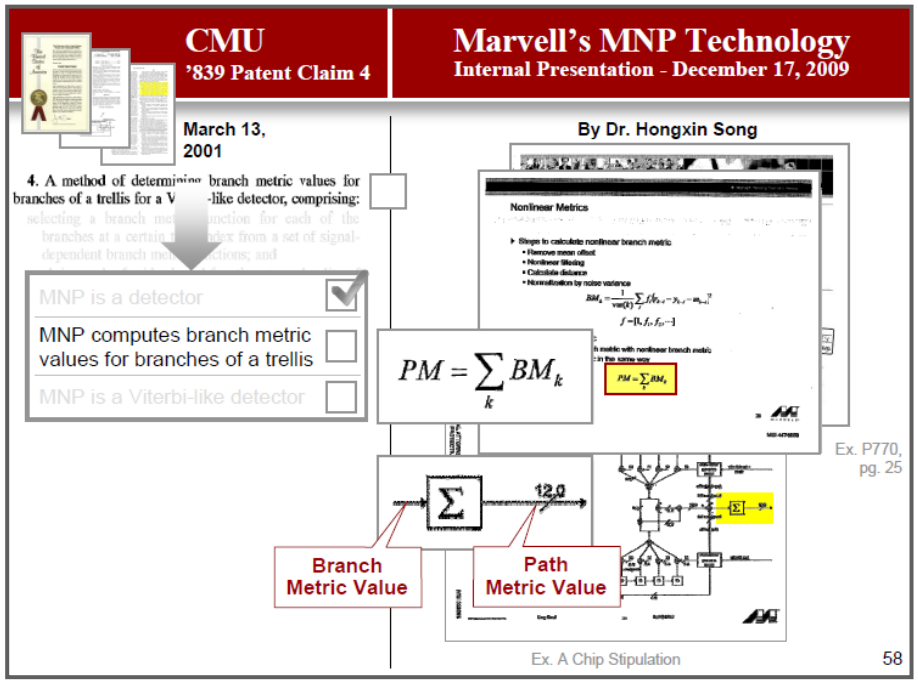


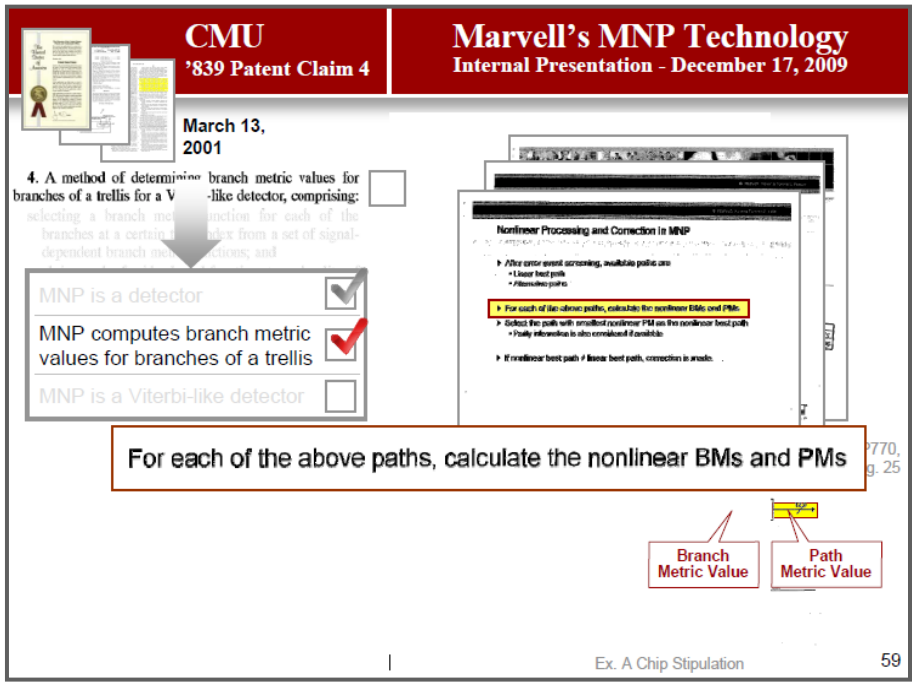


P-Demo 7, at 58 and 59

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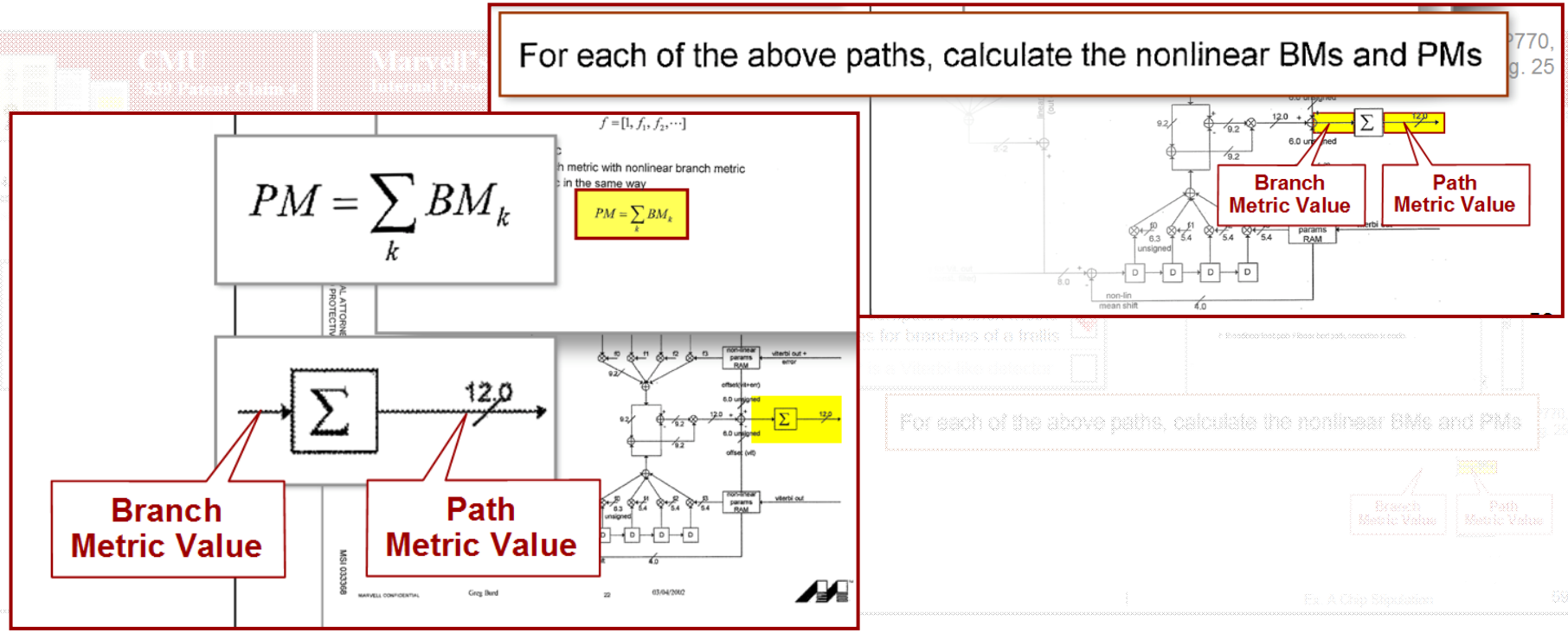


P-Demo 7, at 58 and 59

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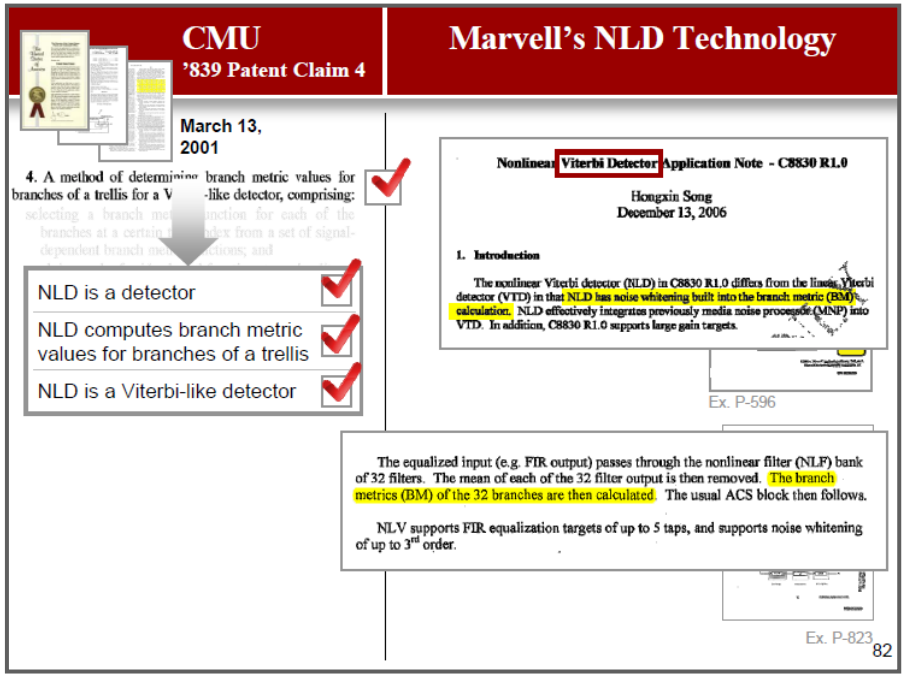
**NLD: Using Marvell's documents and testimony, Dr. McLaughlin showed that the NLD's FIR filters are part of the "branch metric" computation**




P-Demo 7 at 82

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The nonlinear Viterbi detector (NLD) in C8830 R1.0 differs from the linear Viterbi detector (VTD) in that NLD has noise whitening built into the branch metric (BM) calculation. NLD effectively integrates previously media noise processor (MNP) into VTD. In addition, C8830 R1.0 supports large gain targets.

P-596

P-Demo 7 at 82

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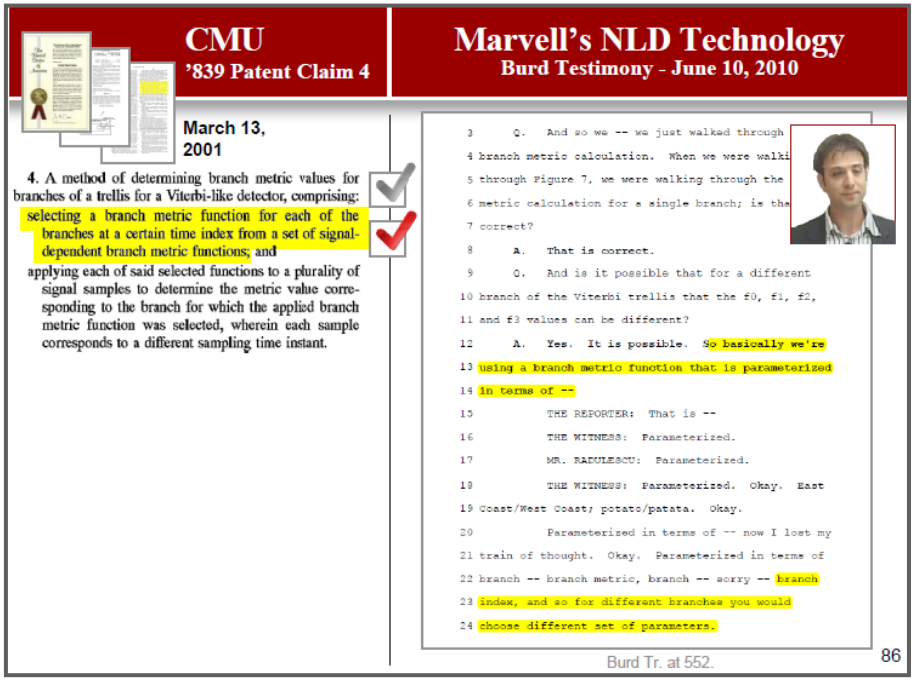


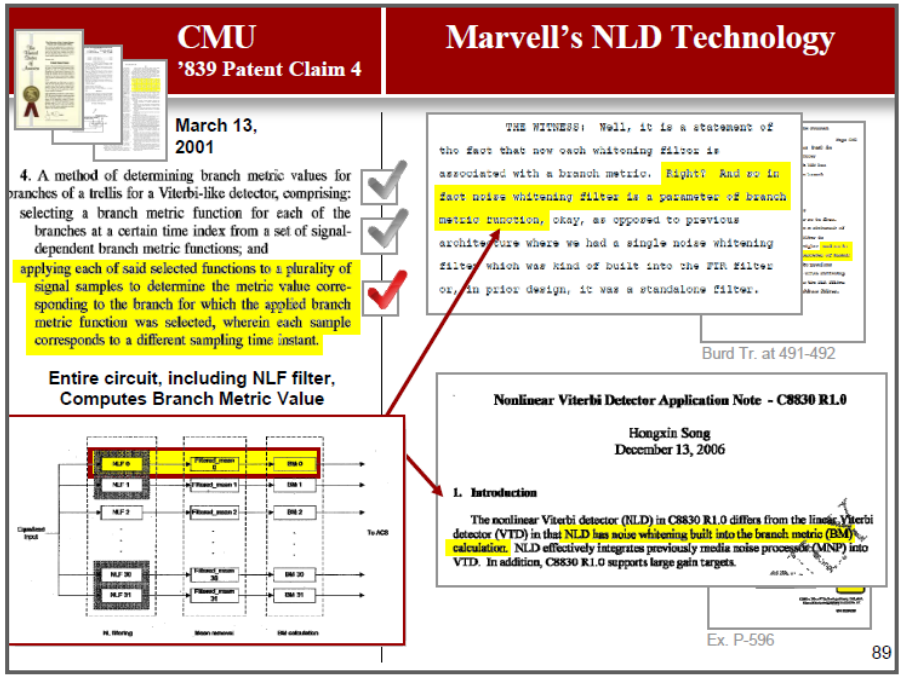


P-Demo 7, at 86 and 89