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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VOIP-PAL.COM, INC.,)	C-18-04523 LHK
)	C-18-06054 LHK
PLAINTIFF,)	C-18-06177 LHK
)	C-18-06217 LHK
VS.)	
)	SAN JOSE, CALIFORNIA
TWITTER, INC., ET AL.)	
)	NOVEMBER 14, 2018
DEFENDANT.)	
_____)	PAGES 1-39
)	
THIS DOCUMENT RELATES TO)	
ALL ACTIONS.)	
_____)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF:	MALEK MSS PLLC
	BY: KEVIN N. MALEK
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	NEW YORK, NEW YORK 10173

APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER:	LEE-ANNE SHORTRIDGE, CSR, CRR
	CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

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APPEARANCES (CONTINUED)

FOR DEFENDANT
TWITTER:

PERKINS COIE LLP
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BY: SARAH E. STAHNKE
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FOR DEFENDANT
VERIZON:

VENABLE LLP
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BY: MEGAN S. WOODWORTH (BY PHONE)
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WASHINGTON, D.C. 20001

FOR DEFENDANT
AT&T:

BAKER BOTTS LLP
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FOR DEFENDANT
APPLE:

DESMARAIS LLP
BY: PETER C. MAGIC
230 PARK AVENUE
NEW YORK, NEW YORK 10169

1 SAN JOSE, CALIFORNIA

NOVEMBER 14, 2018

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

3 (COURT CONVENED AT 2:06 P.M.)

4 THE CLERK: YOUR HONOR, CALLING CASE 18-CV-04523 AND
5 THE RELATED CASE MATTERS OF 6054, 6177, AND 6217, VOIP-PAL.COM,
6 INC., VERSUS TWITTER, INC., VERIZON WIRELESS SERVICES, LLC,
7 AT&T CORP., AND APPLE, INC.

8 COUNSEL, PLEASE COME FORWARD AND STATE YOUR APPEARANCES.

9 MR. MATTHEW LEE: I THINK WE'VE GOT THE WRONG CASE.
10 I'M SO SORRY. THIS IS MATTHEW LEE. WE'RE HERE FOR THE
11 SWAFFORD VERSUS IBM CONFERENCE.

12 THE CLERK: COUNSEL, WE HAVEN'T CALLED YOUR CASE YET.

13 THE COURT: I USUALLY CALL CASES WHERE PEOPLE ARE
14 APPEARING BY PHONE LAST.

15 MR. MALEK: GOOD AFTERNOON, YOUR HONOR.

16 KEVIN MALEK ON BEHALF OF PLAINTIFF VOIP-PAL.

17 MR. LEE: GOOD AFTERNOON, YOUR HONOR.

18 THIS IS GENE LEE OF PERKINS COIE FOR TWITTER.

19 MR. HECTOR: GOOD AFTERNOON.

20 WILLIAM HECTOR ON BEHALF OF VERIZON.

21 THE COURT: OKAY. I'M SORRY. GIVE ME ONE MINUTE.

22 OKAY, I HAVE MR. LEE.

23 ALL RIGHT. I'M SORRY. WOULD YOU STATE YOUR APPEARANCE
24 AGAIN, PLEASE?

25 MR. HECTOR: SURE. WILLIAM HECTOR ON BEHALF OF

1 CELLCO PARTNERSHIP, D.B.A. VERIZON WIRELESS.

2 MR. BOREN: AND B.C. BOREN ON BEHALF OF AT&T.

3 MR. MAGIC: AND, YOUR HONOR, PETER MAGIC OF
4 DESMARAIS LLP ON BEHALF OF APPLE.

5 THE COURT: OKAY. WAIT ONE SECOND. AH, MR., DID YOU
6 SAY BRYANT BOREN?

7 MR. BOREN: YES.

8 THE CLERK: COUNSEL, COULD YOU PLEASE USE THE
9 MICROPHONES?

10 MY APOLOGIES, YOUR HONOR.

11 THE COURT: AND THEN WOULD COUNSEL FOR APPLE PLEASE
12 STATE YOUR APPEARANCE AGAIN?

13 MR. MAGIC: YES, YOUR HONOR.

14 IT'S PETER MAGIC WITH DESMARAIS LLP FOR APPLE.

15 THE COURT: OKAY. ALL RIGHT.

16 OKAY. GOOD AFTERNOON. DID EVERYONE STATE THEIR
17 APPEARANCES?

18 MS. STAHNKE: NO, YOUR HONOR.

19 SARAH STAHNKE OF PERKINS COIE FOR TWITTER.

20 THE COURT: SARAH STAHNKE, OKAY, WELCOME.

21 AND THEN DID I GET EVERYONE'S APPEARANCE?

22 MR. HECTOR: AND THEN ONE MORE.

23 WE HAVE MEGAN WOODWORTH ON THE LINE FOR VERIZON AS WELL
24 APPEARING TELEPHONICALLY.

25 THE COURT: OKAY. EXCUSE ME.

1 MS. WOODWORTH, ARE YOU ON THE PHONE?

2 MS. WOODWORTH: YES, I AM, YOUR HONOR.

3 GOOD AFTERNOON.

4 THE COURT: OKAY. GOOD AFTERNOON. ANYONE ELSE WHO'S
5 ON THE PHONE FOR THIS CASE? NO? OKAY.

6 SO LET'S FIGURE OUT -- WE NEED TO GET ALL OF THE RIGHT
7 PARTIES TOGETHER. WITH REGARD TO THE APPLE CASE THAT'S BEFORE
8 JUDGE TIGAR, THE MOTION TO RELATE SHOULD HAVE BEEN FILED IN
9 THIS DOCKET BECAUSE IT'S THE JUDGE WITH THE FIRST FILED CASE
10 THAT DECIDES WHETHER TO RECEIVE LATER FILED CASES. IT'S NOT
11 THE LATER FILED JUDGE WHO THEN SENDS IT TO THE FIRST FILED
12 JUDGE.

13 DOES THAT MAKE SENSE?

14 MR. MAGIC: YOUR HONOR, IT DOES.

15 THE COURT: YEAH.

16 MR. MAGIC: I THINK PERHAPS WE WERE READING THE RULE
17 TO SAY THAT THE LOWER NUMBERED CASE IN THIS DISTRICT SHOULD
18 RECEIVE THE MOTION, WHEREAS --

19 THE COURT: SO DOES HE -- IS THAT CASE THE FIRST
20 FILED CASE?

21 MR. MAGIC: NOT IN TIME IF YOU GO BACK TO THE
22 DISTRICT OF NEVADA, YOUR HONOR.

23 BUT IF YOU LOOK AT THE NUMBERING IN THIS DISTRICT, IT IS.

24 THE COURT: OH. THEN ALL OF THESE CASES SHOULD GO TO
25 JUDGE TIGAR. WHY ARE THEY HERE? THEY SHOULD GO TO THE LOWEST,

1 FIRST FILED CASE. WHO IS THAT? WHICH NUMBER IS THAT?

2 MR. LEE: YOUR HONOR, I BELIEVE TWITTER WAS THE FIRST
3 OF THESE CASES TO COME TO THIS COURT, TRANSFERRED FROM NEVADA.

4 BUT OUT OF THE GROUP OF DEFENDANTS, WE WERE FIRST.

5 THE COURT: I SEE. AND WHAT IS THE NUMBER OF THE
6 CASE BEFORE JUDGE TIGAR?

7 MR. MAGIC: I BELIEVE, YOUR HONOR, IT ENDS IN 216.
8 6216.

9 THE COURT: 6216. OKAY. SO IT'S NOT THE FIRST
10 FILED.

11 MR. MAGIC: YES, YOUR HONOR.

12 I BELIEVE I SHOULD HAVE BEEN MORE CLEAR. I WAS SPEAKING
13 AS BETWEEN THE TWO APPLE CASES, I.E., THE TWO CASES TO RELATE.

14 SO YOU'RE CORRECT, YOUR HONOR. IF WE LOOK GLOBALLY ACROSS
15 ALL OF THE DEFENDANTS, YOU ARE CORRECT.

16 THE COURT: OKAY. SO THEN YOU WANT HIM TO RELATE
17 YOUR CASE HERE TO HIS CASE AND NOT BE IN THIS CASE?

18 MR. MAGIC: I THINK ACTUALLY, YOUR HONOR --

19 THE COURT: THAT'S WHAT YOUR MOTION DOES; RIGHT?

20 MR. MAGIC: YES.

21 THE COURT: IF HE ACCEPTS IT, THEN HE TAKES 6217 AND
22 YOU'RE NO LONGER HERE.

23 MR. MAGIC: RIGHT.

24 AND I THINK IF YOU LOOK AT IT THAT WAY, YOUR HONOR,
25 PROCEDURALLY, YOUR HONOR, IT WOULD MAKE MORE SENSE TO BRING IT

1 HERE INTO THIS GROUP IN FRONT OF YOU WITH THE OTHER CASES, WITH
2 THE OTHER DEFENDANTS.

3 AND SO WE PROCEDURALLY LOOKED AT THE OTHER APPLE CASE
4 NUMBER AS A LOWER CASE NUMBER, BUT I THINK YOU'RE -- IF YOU'RE
5 ASKING ME PROCEDURALLY WHAT WOULD MAKE MORE SENSE, I THINK
6 PROCEDURALLY IT WOULD MAKE SENSE TO BRING IT IN FRONT OF YOU
7 BECAUSE OF THE RELATIONSHIP BETWEEN THE PATENTS AND THE --
8 YEAH, BETWEEN THOSE PATENTS AND THE PATENTS THAT ARE ALREADY IN
9 FRONT OF YOU IN THESE CASES.

10 SO APOLOGIES IF PROCEDURALLY WE SHOULD NOW DO IT THE OTHER
11 WAY.

12 THE COURT: OKAY. SO WHY DON'T -- I MEAN, BELIEVE
13 ME, I WOULD BE SO HAPPY TO TRANSFER THESE TO ANY OF MY
14 COLLEAGUES --

15 MR. MAGIC: RIGHT.

16 THE COURT: -- WHO COULD HANDLE ALL OF THESE CASES
17 VERY ADEPTLY. BUT UNFORTUNATELY, I THINK I'M STUCK BECAUSE
18 4523 IS MINE.

19 SO I THINK -- SO LET'S FIGURE OUT WHAT WE SHOULD DO. I
20 THINK WHAT YOU SHOULD DO IS WITHDRAW YOUR MOTION TO RELATE.

21 MR. MAGIC: UM-HUM.

22 THE COURT: AND THEN I WILL JUST SUA SPONTE RELATE
23 6216 TO THIS CASE.

24 MR. MAGIC: CERTAINLY, YOUR HONOR.

25 THE COURT: OKAY?

1 MR. MAGIC: WE CAN DO THAT.

2 THE COURT: OKAY. SO WHEN ARE YOU GOING TO DO THAT?

3 MR. MAGIC: ASSUMING WE HAVE PEOPLE WHO CAN ACTUALLY
4 GET THAT DONE LATER TODAY, I DON'T SEE A REASON WHY WE COULDN'T
5 DO THAT LATER TODAY.

6 THE COURT: OKAY. ALL RIGHT.

7 MR. MAGIC: WE'LL CERTAINLY DO IT AS SOON AS
8 POSSIBLE, AS SOON AS WE CAN GET SOMEONE TO ACTUALLY GO INTO ECF
9 AND DO IT, BUT I DON'T SEE WHY NOT LATER TODAY.

10 THE COURT: OKAY. THAT WOULD BE GOOD. I MEAN, I
11 OBVIOUSLY DO NOT GO INTO JUDGE TIGAR'S DOCKET, SO YOU'LL JUST
12 NEED TO EXPLAIN. AND TRUST ME, HE WILL BE HAPPY TO HEAR THAT
13 THERE ARE, YOU KNOW, FOUR OTHER CASES PENDING BEFORE ME THAT
14 HAVE THE FIRST FILED CASE IN THIS CONSOLIDATED GROUP AND SO
15 THAT HIS CASE WILL BE RELATED TO MINE.

16 MR. MAGIC: YES, WE'LL PUT IN A SHORT STATEMENT TO
17 THAT EFFECT.

18 THE COURT: OKAY, THAT'S GREAT. AND THEN WITHDRAW
19 YOUR MOTION.

20 AND THEN WE'LL CHECK THE DOCKET AND THEN WE'LL SUA SPONTE
21 RELATE THAT ONE TO THIS ONE.

22 NOW, WHAT'S THE STATUS WITH AMAZON? I SAW THE
23 STIPULATION'S BEEN FILED, BUT IT HASN'T COME; RIGHT?

24 MR. MALEK: SO, YOUR HONOR, THAT STIPULATION WAS
25 ORDERED AND GRANTED THIS MORNING BY THE DISTRICT OF NEVADA.

1 THE COURT: OH, OKAY.

2 MR. MALEK: SO WE EXPECT THAT CASE TO TRANSFER IN
3 RELATIVELY SOON.

4 THE COURT: I SEE.

5 MR. MALEK: AND THAT ONE RELATES TO THE -- WELL, IT'S
6 IDENTICAL IN TERMS OF ASSERTED PATENTS TO THE SECOND APPLE CASE
7 THAT YOU WERE JUST DISCUSSING WITH MR. MAGIC.

8 THE COURT: OKAY. SO TELL ME THEN, THE TWO PATENTS,
9 '815 AND '005, THOSE ARE ASSERTED AGAINST ALL OF THE DEFENDANTS
10 HERE, BUT THEN WHAT'S THE SUBJECT OF YOUR SECOND SUIT AGAINST
11 APPLE?

12 THE CLERK: USE THE MICROPHONE, PLEASE.

13 MR. MALEK: THOSE ARE -- IN THE SECOND SUIT AGAINST
14 APPLE, THE FOUR PATENTS THAT ARE ASSERTED THERE ARE
15 CONTINUATIONS OF THE TWO PATENTS THAT ARE ASSERTED AGAINST THE
16 PARTIES THAT ARE PRESENT TODAY.

17 I SHOULD CLARIFY ONE THING. AS IT RELATES TO TWITTER, WE
18 PLAN TO WITHDRAW ONE OF THE PATENTS, SO I JUST WANTED TO
19 CLARIFY THAT.

20 BUT TO ANSWER YOUR QUESTION, THE FOUR PATENTS THAT ARE
21 ASSERTED IN THE APPLE CASE AND THE AMAZON CASE THAT JUST
22 TRANSFERRED IN OR ARE TRANSFERRING IN, THEY ARE CONTINUATIONS
23 OF THE PATENTS-IN-SUIT THAT ARE IN FRONT OF YOU TODAY.

24 THE COURT: DO THEY SHARE THE SAME SPEC?

25 MR. MALEK: THEY ARE IDENTICAL, YOUR HONOR.

1 THE COURT: OH.

2 MR. MALEK: THE ONLY DIFFERENCES BETWEEN THEM ARE THE
3 CLAIMS.

4 THE COURT: ALL RIGHT.

5 AND ALL THE DEFENDANTS THINK THEY'RE RELATED?

6 MR. MAGIC: YES, YOUR HONOR.

7 THE COURT: OKAY.

8 MR. MAGIC: WELL, PER OUR MOTION TO DEEM RELATEDNESS.

9 THE COURT: OKAY. ALL RIGHT.

10 MR. MAGIC: THIS IS PETER MAGIC FOR APPLE.

11 THE COURT: I SEE. I DON'T WANT THIS TO KEEP GROWING
12 LIKE A CANCER, THOUGH, BECAUSE I'M SURE THEY'RE GROWING THE
13 FAMILY AS WE SPEAK, AND ARE WE JUST GOING TO KEEP GETTING MORE
14 CONTINUATIONS AND THEN ARE YOU GOING TO ASSERT THOSE FOUR
15 CONTINUATIONS AGAINST THE OTHER DEFENDANTS HERE?

16 MR. MALEK: YOUR HONOR, AT THIS TIME THERE'S NO
17 INTENTION TO ASSERT ANY OF THE OTHER PATENTS AGAINST ANY OF THE
18 OTHER DEFENDANTS. I CAN'T PROMISE YOU THAT WOULD NEVER CHANGE,
19 BUT THAT IS NOT THE CURRENT INTENT.

20 THE COURT: OKAY. AND THE CASE AGAINST APPLE -- I'M
21 SORRY -- AMAZON IS ONLY THE FOUR CONTINUATIONS; RIGHT?

22 MR. MALEK: YES.

23 THE COURT: YOU'RE NOT ASSERTING THE TWO PATENTS THAT
24 ARE AT ISSUE HERE --

25 MR. MALEK: THAT IS CORRECT.

1 THE COURT: -- AGAINST AMAZON? I SEE. OKAY.

2 ALL RIGHT THEN. SO THIS IS WHAT I WOULD LIKE TO DO: LET
3 ME KNOW IF YOU HAVE ANY CONCERNS.

4 I THINK IT'S PREMATURE TO SET A CASE SCHEDULE UNTIL WE
5 HAVE ALL THE INVITED GUESTS AT THE PARTY, BECAUSE OTHERWISE I'M
6 JUST GOING TO HAVE TO RESET DATES LATER.

7 AND I'M HOPING THAT THESE TWO ADDITIONAL CASES ARE THE
8 UNIVERSE AND THERE'S NOTHING MORE. BUT IF WE GET THEM IN
9 FAIRLY SOON, WE CAN TIMELY SET A CASE SCHEDULE. BUT IT JUST
10 DOESN'T MAKE SENSE TO ME BECAUSE I WANT TO CONSOLIDATE
11 EVERYTHING UNTIL THE PRETRIAL CONFERENCE. IS THERE ANY
12 OBJECTION TO THAT?

13 SO THE PRETRIAL CONFERENCES -- WELL, LET ME ASK, ARE THERE
14 ANY DEFENDANTS THAT WANT TO BE TRIED TOGETHER? I ASSUME THAT'S
15 NO; RIGHT?

16 MR. LEE: YOUR HONOR, FOR TWITTER, WE'D LIKE TO BE
17 TRIED APART.

18 MR. BOREN: SAME FOR AT&T, YOUR HONOR.

19 MR. HECTOR: SAME FOR VERIZON.

20 MR. MAGIC: SAME FOR APPLE, YOUR HONOR.

21 THE COURT: ALL RIGHT. SO WHAT I WOULD PLAN TO DO IS
22 THAT EVERYONE WOULD ALL BE ONE HAPPY FAMILY, AND THEN WE'D DO
23 STAGGERED PRETRIAL CONFERENCES AND STAGGERED TRIALS. WE WOULD
24 DECIDE AT A LATER DATE WHO GOES FIRST, AND I'M HOPING THAT, YOU
25 KNOW, PERHAPS THERE MAY EVEN BE SOME AGREEMENT AMONGST THE

1 PARTIES, OR WE'LL JUST SEE ACTUALLY WHO'S STILL LEFT AT THAT
2 POINT. IT COULD BE SOME PEOPLE FALL OUT.

3 BUT THAT WOULD BE MY SUGGESTION, THAT WE FOLLOW THE PATENT
4 LOCAL RULES AND THEN WE STAGGER THE PRETRIAL CONFERENCES AND
5 THE TRIALS.

6 BUT -- PARDON ME -- I WOULD LIKE ANY MOTIONS TO DISMISS TO
7 BE CONSOLIDATED. I WOULD LIKE CMC'S TO BE CONSOLIDATED. I'D
8 LIKE, MOST IMPORTANTLY, JOINT CASE MANAGEMENT STATEMENTS TO BE
9 CONSOLIDATED. THIS -- THIS -- TODAY KILLED A LOT OF TREES
10 BETWEEN THE FOUR DIFFERENT JOINT CASE MANAGEMENT STATEMENTS.
11 WE HAD ALMOST 70 PAGES FILED. SO I'D LIKE A JOINT CASE
12 MANAGEMENT STATEMENT GOING FORWARD IN ALL OF THESE CASES.

13 I'D LIKE ONE JOINT MARKMAN, AND IT WOULD BE LIMITED TO TEN
14 TERMS AS PROVIDED UNDER THE PATENT LOCAL RULES.

15 NOW, AS FAR AS SUMMARY JUDGMENT, I WOULD GRUDGINGLY HAVE
16 TO ALLOW ONE PER PARTY. OKAY?

17 BUT EVERYTHING ELSE IS GOING TO BE CONSOLIDATED.

18 ANY OBJECTION TO THAT?

19 MR. MAGIC: YOUR HONOR, THIS IS PETER MAGIC FOR
20 APPLE.

21 TO CLARIFY REGARDING SUMMARY JUDGMENT, YOU'RE REFERRING TO
22 ONE BRIEF, NOT ONE MOTION PER PARTY? IN OTHER WORDS, A PARTY
23 CAN RAISE MULTIPLE MOTIONS IF APPROPRIATE?

24 THE COURT: WELL, IF YOU WANTED TO MOVE ON INVALIDITY
25 AND NON-INFRINGEMENT, YOU COULD. BUT YOU'D ONLY HAVE ONE

1 MOTION. OKAY?

2 MR. MAGIC: OKAY.

3 THE COURT: SO HEARING NO OBJECTIONS, THAT'S HOW
4 WE'RE GOING TO PROCEED.

5 I ALSO WILL WANT CASE NARROWING. RIGHT NOW IT SEEMS LIKE
6 THERE ARE TOO MANY CLAIMS BEING ASSERTED. I DON'T KNOW -- I
7 DIDN'T SEE ANY IDENTIFICATION REALLY OF ACCUSED PRODUCTS.

8 ARE YOU GOING TO -- I'D LIKE SOME MORE SPECIFIC
9 IDENTIFICATION OF ACCUSED PRODUCTS, BECAUSE WHAT I WOULD DO,
10 GOING FORWARD, IS I WOULD LIMIT THE NUMBER OF CLAIMS BEING
11 ASSERTED, LIMIT THE NUMBER OF ACCUSED PRODUCTS, OBVIOUSLY
12 MARKMAN WILL BE LIMITED TO TEN CLAIM TERMS -- AND THAT'S ACROSS
13 THE WHOLE CASE -- BUT I'D ALSO LIMIT THE NUMBER OF PRIOR ART
14 REFERENCES.

15 AND SO I NORMALLY HAVE, LIKE, A FUNNEL. YOU CAN START
16 BIGGER, BUT THEN AT EVERY STAGE IN THE CASE I WANT THAT NUMBER
17 SHRINKING.

18 SO --

19 MR. MALEK: YOUR HONOR, WE CERTAINLY DID PLAN TO DO
20 THAT IN OUR INFRINGEMENT CONTENTIONS. BUT WE CAN GIVE AN
21 INDICATION EARLIER THAN THAT IF YOU DESIRE THAT.

22 THE COURT: SO I -- I MEAN, IF YOU'RE WILLING TO DO
23 IT BEFORE INFRINGEMENT CONTENTIONS, THAT WOULD BE GREAT. THIS
24 CASE HAS BEEN PENDING SINCE 2016 IN -- WHAT WAS THAT? --
25 NEVADA.

1 BUT WHAT I WAS PLANNING TO DO, SINCE WE'RE NOT GOING TO
2 SET A CASE SCHEDULE TODAY, IS I WANTED TO GIVE YOU ALL THIS
3 GUIDANCE, AND THEN WHEN WE HAVE OUR REAL INITIAL CMC, I'D LIKE,
4 IN YOUR ONE JOINT CASE MANAGEMENT STATEMENT, THEN YOU GIVE ME
5 SOME PROPOSALS. OKAY?

6 SO I'D LIKE THE NARROWING TO BE DONE AT PRETTY MUCH EVERY
7 MAJOR JUNCTURE. YES, WE NEED LIMITATIONS ON CLAIMS AND ACCUSED
8 PRODUCTS BEFORE WE FIGURE OUT WHICH CLAIM TERMS ARE GOING TO BE
9 CONSTRUED. I THINK THAT'S ONLY FAIR TO THE DEFENDANTS.

10 AND THEN WE WOULD HAVE SOME, YOU KNOW, NARROWING AFTER THE
11 MARKMAN; SOME NARROWING AFTER THE CLOSE OF FACT DISCOVERY AND
12 BEFORE EXPERT DISCOVERY; WE'D HAVE FURTHER NARROWING AFTER
13 EXPERT DISCOVERY, BUT BEFORE SUMMARY JUDGMENT MOTIONS; WE'D
14 HAVE FURTHER NARROWING AFTER SUMMARY JUDGMENT RULING AND BEFORE
15 THE PRETRIAL CONFERENCE; AND THEN I WANT FURTHER NARROWING
16 RIGHT BEFORE TRIAL.

17 SO IT'S GOING TO BE A FUNNEL, AND BY THE TIME IT GETS TO
18 TRIAL, IT'S GOING TO BE A LEAN, MEAN, TINY CASE THAT'S GOING TO
19 THE JURY.

20 SO I DON'T WANT TO HAVE THAT CONVERSATION TODAY. I WANT
21 YOU ALL TO MEET AND CONFER AND TALK AMONGST YOURSELVES AND THEN
22 COME UP WITH A PROPOSAL FOR THE NEXT TIME WE MEET. OKAY?

23 ALL RIGHT. SO INCLUDE ALL OF THAT, PLEASE.

24 NOW, ANY MTD I ASSUME -- IS THAT A 101 CHALLENGE, OR WHAT
25 IS THAT THAT YOU'RE ANTICIPATING?

1 MR. LEE: YES, YOUR HONOR.

2 THE COURT: OKAY. SO I WOULD WANT THAT TO BE ONE
3 MOTION TO DISMISS THAT'S JOINTLY FILED BY ALL THE DEFENDANTS.
4 OKAY? ALL RIGHT.

5 NOW, DOES ANYONE WANT ANY FORM OF ADR, AND ARE YOU WILLING
6 TO DO SO SOONER RATHER THAN LATER?

7 MR. LEE: TWITTER BELIEVES IT'S PREMATURE, YOUR
8 HONOR.

9 THE COURT: OKAY. AND AT WHAT POINT WOULD YOU BE
10 AMENABLE?

11 MR. LEE: WHEN THERE'S FURTHER DEVELOPMENT IN THE
12 CASE, YOUR HONOR. I THINK PERHAPS AFTER A CLAIM CONSTRUCTION
13 RULING.

14 THE COURT: OKAY.

15 WHAT ABOUT VERIZON?

16 MR. HECTOR: WE ALSO THINK IT'S PREMATURE. WE WOULD
17 BE COMFORTABLE WITH AFTER CLAIM CONSTRUCTION.

18 THE COURT: WHAT ABOUT AT&T?

19 MR. BOREN: SAME, YOUR HONOR.

20 THE COURT: OKAY. WHAT ABOUT APPLE?

21 MR. MAGIC: SAME, YOUR HONOR. AND I THINK IN OUR CMC
22 SUBMISSION, WE INDICATED THAT WE WERE GOING TO, IN THE INTERIM,
23 TALK ABOUT A PRIVATE, PRIVATE MEDIATION.

24 THE COURT: OKAY. WELL, CAN I REFER YOU TO PRIVATE
25 MEDIATION?

1 MR. MAGIC: YOUR HONOR, I BELIEVE THAT THE PARTIES
2 ARE GOING TO WORK OUT MEDIATORS, A SHORT LIST OF WHO THEY THINK
3 WOULD BE APPROPRIATE. I THINK THAT'S OUR CURRENT PLAN.

4 THE COURT: OKAY. WELL, I -- I'M GRATEFUL THAT
5 YOU'RE AMENABLE TO DOING IT EARLY. CAN I SET JUST A DEADLINE
6 FOR YOU? IT COULD BE 90 DAYS OUT, IT COULD BE 120 DAYS OUT,
7 WHATEVER YOU FEEL COMFORTABLE WITH.

8 MR. MAGIC: I THINK, YOUR HONOR, I MAY HAVE TO
9 DISCUSS THAT WITH MY CLIENT.

10 THE COURT: OKAY.

11 MR. MAGIC: BUT AT THIS POINT, WE'RE SORT OF IN THE
12 EARLY STAGES OF FIGURING THAT OUT.

13 THE COURT: OKAY. ALL RIGHT. WELL, WHEN WE HAVE OUR
14 NEXT CMC, I'D LIKE TO BE ABLE TO MAKE A REFERRAL. OKAY?

15 MR. MAGIC: UNDERSTOOD, YOUR HONOR.

16 THE COURT: AND I ASSUME YOURS WOULD BE GLOBAL, YOUR
17 TWO CASES.

18 MR. MAGIC: I BELIEVE THAT'S, AT THIS POINT, A FAIR
19 ASSUMPTION, YOUR HONOR.

20 THE COURT: OKAY. ALL RIGHT.

21 AND IS IT THE SAME PRODUCTS THAT ARE ACCUSED IN BOTH
22 CASES?

23 MR. MALEK: YOUR HONOR, BETWEEN THE TWO APPLE CASES,
24 THERE IS SIGNIFICANT OVERLAP IN THE ACCUSED INSTRUMENTALITIES.

25 THE COURT: UM-HUM.

1 MR. MALEK: THAT'S ALL THAT WE KNOW RIGHT NOW UNTIL
2 WE GET FURTHER DISCOVERY THAT COULD CLARIFY ANY FURTHER THAN
3 THAT.

4 THE COURT: WELL, YOUR INFRINGEMENT CONTENTIONS
5 BETTER SAY.

6 MR. MALEK: THEY WILL.

7 THE COURT: THEY BETTER IDENTIFY WHAT'S BEING ACCUSED
8 HERE.

9 MR. MALEK: THE ANSWER TO THAT IS YES.

10 THE COURT: I DON'T LIKE HEARING "I NEED THEIR
11 DISCOVERY BEFORE I KNOW WHAT TO ACCUSE." I ASSUME YOU'VE DONE
12 YOUR RULE 11 INVESTIGATION.

13 MR. MALEK: WE HAVE.

14 THE COURT: AND YOU KNOW WHAT YOU'RE CLAIMING IS
15 INFRINGING.

16 MR. MALEK: WE HAVE, YOUR HONOR.

17 THE COURT: OKAY.

18 MR. MALEK: AND THEY'RE IDENTIFIED IN THE COMPLAINT.

19 THE COURT: I DIDN'T SEE IT IN THE COMPLAINT. WHERE
20 IS IT, WHAT'S ACCUSED IN THE COMPLAINT?

21 MR. MALEK: SO WE ACCUSED THE INSTRUMENTALITIES LIKE
22 APPLE'S WI-FI CALLING, IMESSAGING, AND THOSE, THOSE
23 INSTRUMENTALITIES ARE ACCUSED IN THE FIRST APPLE CASE AND IN
24 THE SECOND APPLE CASE.

25 THERE WERE SOME INFRINGEMENT CHARTS THAT WERE DETAILED

1 THAT WERE ACTUALLY ATTACHED TO THE COMPLAINT IN THE FIRST APPLE
2 CASE, AND THEN IN THE SECOND APPLE CASE, YOU CAN FIND THE
3 INSTRUMENTALITIES IN THE BODY.

4 THE COURT: ALL RIGHT. WELL, BE AS SPECIFIC AS YOU
5 CAN. DO YOU SAY IN WHAT PRODUCTS THOSE INSTRUMENTALITIES
6 EXIST?

7 MR. MALEK: IN SOME CASES, YOUR HONOR --

8 THE COURT: UM-HUM.

9 MR. MALEK: -- WE DO, AND THAT WOULD BE IN CERTAIN
10 DEVICES LIKE THE IPHONE.

11 BUT IN OTHER CASES, THE ACCUSED INSTRUMENTALITIES ARE
12 FOUND ON SERVERS AND SYSTEMS WITHIN APPLE THAT HELP THAT --
13 THAT HELP THE INFRINGING ACTIVITY OCCUR.

14 WE REFER TO THOSE AS, AS APPLE SERVERS.

15 THE COURT: OKAY. ALL RIGHT. WELL, WHY DON'T YOU
16 SAVE THE ADR THEN TO INCLUDE IN YOUR NEXT JOINT CASE MANAGEMENT
17 STATEMENT.

18 THE DISCOVERY LIMITS IN THE FEDERAL RULES OF CIVIL
19 PROCEDURE WILL GOVERN THE CASE.

20 LET'S DEAL WITH SOME OF THESE PENDING MOTIONS.

21 SO AT&T IS WITHDRAWING ITS MOTION TO DISMISS.

22 MR. BOREN: THAT'S RIGHT, YOUR HONOR.

23 THE COURT: SO THAT MOTION IS DENIED AS MOOT.

24 PLAINTIFF'S MOTION TO STRIKE REGARDING AT&T'S MOTION TO
25 DISMISS IS ALSO DENIED AS MOOT.

1 SO I'M GOING TO CLEAN OUT SOME OF THESE HAMMERS TODAY. SO
2 THOSE TWO ARE NOW GONE.

3 NOW, AT&T DOES NOT OPPOSE THE FILING OF A THIRD AMENDED
4 COMPLAINT, SO DON'T BOTHER FILING A MOTION.

5 WHEN ARE YOU GOING TO FILE THAT THIRD AMENDED COMPLAINT?

6 MR. MALEK: AS SOON AS YOUR HONOR TELLS ME THAT I CAN
7 DO THAT, YOUR HONOR. I'M HAPPY TO DO THAT TOMORROW.

8 THE COURT: ALL RIGHT. WHY DON'T YOU DO THAT
9 NOVEMBER 15TH.

10 ALL RIGHT. NOW, VERIZON ALSO DOES NOT OPPOSE, SO THAT
11 WOULD THEN MOOT THE PENDING MOTION TO DISMISS THE SECOND
12 AMENDED COMPLAINT.

13 DO YOU AGREE WITH THAT?

14 MR. HECTOR: THAT'S CORRECT, YOUR HONOR.

15 THE COURT: OKAY. SO YOUR SECOND AMENDED -- YOUR
16 MOTION TO DISMISS THE SECOND AMENDED COMPLAINT IS ALSO DENIED
17 AS MOOT. LET'S GET RID OF THAT HAMMER ON THAT MOTION.

18 SO YOU'LL FILE -- NOW, I ASSUME YOU ALL STILL WANT THE
19 COMPLAINTS TO BE IN EACH INDIVIDUAL CASE AND UNIQUE TO EACH
20 DEFENDANT; CORRECT? YOU DON'T WANT ONE CONSOLIDATED COMPLAINT
21 AGAINST ALL OF YOU?

22 MR. HECTOR: CORRECT FROM VERIZON'S PERSPECTIVE.

23 THE COURT: THAT'S FINE. OKAY. SO THEN FILE YOUR
24 THIRD AMENDED COMPLAINT AGAINST VERIZON BY NOVEMBER 15TH AS
25 WELL.

1 MR. MALEK: OKAY.

2 THE COURT: OKAY? NOW, DO YOU HAVE AN INTENT TO FILE
3 ANY OTHER AMENDED COMPLAINTS?

4 MR. MALEK: NOT AT THIS TIME, YOUR HONOR.

5 THE COURT: OKAY. ALL RIGHT.

6 SO WE'LL TAKE CARE OF THAT.

7 NOW, I WOULDN'T MIND TRANSFERRING THIS CASE TO ANOTHER
8 VENUE. ARE WE SURE THAT VENUE IS PROPER HERE UNDER
9 TC HEARTLAND AND CRAY? IS THAT RIGHT?

10 MR. LEE: FOR TWITTER CERTAINLY, YOUR HONOR.

11 THE COURT: OKAY.

12 MR. HECTOR: FOR VERIZON, YES, YOUR HONOR.

13 MR. BOREN: AT&T AS WELL, YOUR HONOR.

14 THE COURT: OKAY.

15 MR. MAGIC: YES, YOUR HONOR, AND APPLE AS WELL, YOUR
16 HONOR.

17 THE COURT: OKAY. ALL RIGHT. WELL, IT WAS WORTH A
18 TRY.

19 OKAY. SO HOW SOON DO YOU THINK WE CAN GET AMAZON HERE?

20 MR. MALEK: YOUR HONOR, BASED ON MY EXPERIENCE WITH
21 THE TRANSFERS WE DEALT WITH IN THE OTHER CASES, I WOULD EXPECT
22 THAT CASE TO BE ASSIGNED TO A JUDGE OF THIS COURT SOMETIME NEAR
23 THE MIDDLE TO THE END OF NEXT WEEK.

24 THE COURT: OKAY.

25 MR. MALEK: AND THAT WOULD PROBABLY NECESSITATE

1 ANOTHER MOTION TO RELATE BEING FILED IN THE TWITTER ACTION
2 OBVIOUSLY.

3 THE COURT: SO POTENTIALLY, LIKE, A MONTH WITH ALL
4 THE HOLIDAYS AND LITTLE HICCUPS THAT COULD HAPPEN ALONG THE
5 WAY.

6 AND THEN I'D LIKE TO GIVE SOME TIME FOR AT LEAST AMAZON'S
7 COUNSEL TO BE ABLE TO HAVE SOME DISCUSSIONS WITH DEFENSE
8 COUNSEL. THEY PROBABLY NEED TO DO THEIR OWN JOINT DEFENSE
9 AGREEMENTS AND WHATEVER ELSE NEEDS TO HAPPEN.

10 SO WHEN SHOULD WE SET THE CMC? SHOULD WE SET IT SOMETIME
11 IN 2019? WOULD THAT BE BETTER?

12 MR. LEE: TWITTER SUPPORTS THAT, YOUR HONOR.

13 THE COURT: AND THEN ONCE WE SET IT, I WOULD PREFER
14 TO GO WITH PATENT LOCAL RULES AND I DON'T DEVIATE. OKAY?

15 SO LET ME HEAR -- ACTUALLY, I SHOULD ASK MS. MASON, WHAT
16 DATE DO WE HAVE AVAILABLE? IT'LL TAKE A LITTLE TIME TO SET A
17 CASE SCHEDULE IN THIS CASE.

18 THE CLERK: YOUR HONOR, WE HAVE MARCH THE 6TH
19 AVAILABLE.

20 THE COURT: OH, I THINK THAT'S PROBABLY TOO FAR OUT.
21 HOW LONG HAS THE AMAZON CASE BEEN PENDING?

22 MR. MALEK: YOUR HONOR, THAT CASE HAS BEEN PENDING
23 SINCE JUNE OR JULY IN THE DISTRICT OF NEVADA.

24 THE COURT: UH-HUH. WHEN WERE THESE TRANSFERRED
25 HERE?

1 MR. MALEK: SO THE --

2 THE COURT: WHAT WERE THE DATES OF WHEN THESE CASES
3 WERE OPENED, JUST FOR CJRA PURPOSES?

4 MR. MALEK: IN THIS COURT --

5 THE COURT: YES.

6 MR. MALEK: -- THE TWITTER CASE WAS TRANSFERRED HERE
7 ON JULY 26TH.

8 THE COURT: OH.

9 MR. MALEK: THE VERIZON CASE WAS TRANSFERRED LATER
10 THAN THAT.

11 THE COURT: UM-HUM.

12 MR. MALEK: I DON'T HAVE THE EXACT DATE.

13 AND THE --

14 THE COURT: HMM. SO IT'S ALREADY BEEN ALMOST FOUR
15 MONTHS IN TWITTER.

16 MR. MALEK: THAT'S RIGHT.

17 THE COURT: VERIZON IS OCTOBER?

18 MR. HECTOR: VERIZON WAS TRANSFERRED FROM NEVADA ON
19 OCTOBER 4TH.

20 THE COURT: I SEE. OKAY. THANK YOU.

21 WHAT ABOUT APPLE AND AT&T?

22 MR. MALEK: AND AT&T WAS TRANSFERRED HERE I THINK ON
23 OR AROUND OCTOBER 17TH.

24 THE COURT: OKAY. THANK YOU.

25 MR. MALEK: AND THEN THE APPLE CASE, 6217, THAT WAS

1 TRANSFERRED HERE AROUND OCTOBER 11TH.

2 THE COURT: OKAY. AND THEN THE LATER CASES WERE
3 FILED IN NEVADA, WHAT, AROUND JUNE-ISH? JULY-ISH?

4 MR. MALEK: SO THE -- THE SECOND APPLE CASE, THE ONE
5 ENDING 6216 ON THIS COURT'S DOCKET, WAS FILED MAY 24TH, 2018.

6 THE COURT: OKAY. AND TRANSFERRED WHEN?

7 MR. MALEK: AND THAT ONE WAS TRANSFERRED TO THIS
8 COURT ON OCTOBER 15TH, 2018.

9 THE COURT: OKAY. WELL, SO I'M WORKING UP AGAINST A
10 JULY 26TH DEADLINE FOR TWITTER, SO I DON'T WANT TO SET IT TOO
11 FAR OUT.

12 WE DON'T HAVE ANY DATE AVAILABLE EARLIER THAN MARCH 6TH?

13 THE CLERK: YOUR HONOR, WOULD YOU LIKE JANUARY THE
14 9TH? WE COULD SQUEEZE ONE IN THERE. WE DO HAVE, I THINK IT
15 LOOKS LIKE EIGHT SET.

16 THE COURT: AND EVERY OTHER DATE IS FULL?

17 THE CLERK: UNFORTUNATELY IT IS, YOUR HONOR. BUT IF
18 YOU'D LIKE TO SCHEDULE IT IN, WE CAN ACCOMMODATE IT.

19 THE COURT: HMM. WHAT ABOUT JANUARY 9TH? I MEAN,
20 THEORETICALLY WE COULD HAVE BOTH OF THESE CASES BY THE END OF
21 NOVEMBER, SO YOU WOULD HAVE THE MONTH OF DECEMBER, HOPEFULLY,
22 TO COORDINATE.

23 NOW, YOU WOULD HAVE TO FILE YOUR JOINT CASE MANAGEMENT
24 STATEMENT BY JANUARY 2ND.

25 I WOULD BE OKAY -- HOW MANY DO WE HAVE ON THE 16TH AND THE

1 23RD?

2 THE CLERK: ON THE 16TH -- YOUR HONOR, WE HAVE EIGHT
3 ON THE 16TH --

4 THE COURT: OKAY.

5 THE CLERK: -- AS WELL.

6 THE COURT: DO YOU WANT TO SAY JANUARY 16TH? AND
7 THEN YOU'D FILE YOUR JOINT CASE MANAGEMENT STATEMENT ON THE
8 9TH. WOULD THAT BE BETTER?

9 OKAY. ALL RIGHT. THEN WE'LL HAVE A FURTHER CMC ON
10 JANUARY THE 16TH OF 2019 AT 2:00 O'CLOCK, THAT'S A WEDNESDAY.
11 PLEASE FILE YOUR JOINT CASE MANAGEMENT STATEMENT ON JANUARY 9TH
12 OF 2019.

13 AND THEN IF YOU WOULD PLEASE -- WELL, HOPEFULLY SOMEBODY
14 WILL ORDER THIS TRANSCRIPT SO THEN AMAZON WILL KNOW WHAT'S
15 GOING ON.

16 OKAY. ALL RIGHT. ANYTHING ELSE FOR TODAY?

17 MR. MALEK: NOTHING FROM THE PLAINTIFF, YOUR HONOR.

18 MR. LEE: NOTHING FROM TWITTER, YOUR HONOR.

19 MR. HECTOR: NOTHING FROM VERIZON, YOUR HONOR.

20 MR. BOREN: AT&T IS GOOD, YOUR HONOR.

21 MR. MAGIC: NOTHING FOR --

22 MS. WOODWORTH: YOUR HONOR, I APOLOGIZE.

23 ON BEHALF OF VERIZON, I HAD A QUESTION REGARDING OUR
24 RESPONSIVE PLEADING. IT'S A THIRD AMENDED --

25 THE COURT: AND CAN YOU STATE YOUR NAME? YOU NEED TO

1 STATE YOUR NAME, BECAUSE THE TRANSCRIPT IS JUST GOING TO SAY A
2 VOICE SAID FOR VERIZON.

3 MS. WOODWORTH: I APOLOGIZE. APOLOGIES, YOUR HONOR.

4 THIS IS MEGAN WOODWORTH ON BEHALF OF VERIZON.

5 I WANTED TO ASK A QUESTION WITH RESPECT TO OUR RESPONSIVE
6 PLEADING. IF THE THIRD AMENDED COMPLAINT IS FILED
7 NOVEMBER 15TH, I THINK OUR RESPONSIVE PLEADING WOULD RUN FROM
8 THAT DATE, BUT I UNDERSTAND YOUR HONOR WANTS US TO FILE ONE
9 JOINT MOTION TO DISMISS, OR 12(B) MOTION RESPONDING TO THAT
10 WITH THE OTHER DEFENDANTS.

11 THE COURT: UM-HUM.

12 MS. WOODWORTH: CAN WE GET SOME TYPE OF ORDER, EITHER
13 SETTING A DATE, OR WE CAN DO THAT AT THE RESCHEDULED CASE
14 MANAGEMENT CONFERENCE, TO MAKE SURE THAT WE DON'T HAVE A
15 DEADLINE FOR RESPONDING TO THAT PLEADING?

16 THE COURT: OKAY. WELL, IS EVERYONE IN AGREEMENT
17 THAT YOU'RE GOING TO FILE A 101 MOTION TO DISMISS?

18 MR. LEE: YES, YOUR HONOR, TWITTER IS.

19 MR. BOREN: YES, YOUR HONOR, FOR AT&T.

20 MR. HECTOR: YES, YOUR HONOR, FROM VERIZON'S
21 PERSPECTIVE.

22 MR. MAGIC: YES, AND SAME FROM APPLE, YOUR HONOR.

23 THE COURT: OH, OKAY. ALL RIGHT. THEN -- WELL, WE
24 DON'T KNOW ABOUT AMAZON, BUT I'M ASSUMING THEY PROBABLY WILL BE
25 OKAY WITH JOINING.

1 WHY DON'T WE SET A DATE FOR YOU TO FILE THAT? WHEN SHOULD
2 THAT BE?

3 MR. MAGIC: I WOULD SAY, YOUR HONOR, IF YOUR HONOR IS
4 AMENABLE TO IT -- THIS IS PETER MAGIC FOR APPLE -- I WOULD SAY
5 SOMETIME AT LEAST AN ADDITIONAL FOUR WEEKS AFTER THE NORMAL
6 RESPONSE TIME FOR THE RESPONSIVE PLEADING.

7 THE COURT: OKAY.

8 MR. MAGIC: BUT THAT MAY LAND US RIGHT IN THE MIDDLE
9 OF THE HOLIDAYS AND I JUST HAVEN'T LOOKED AT THE CALENDAR, YOUR
10 HONOR.

11 THE COURT: OKAY. I THINK YOU WOULD NORMALLY HAVE TO
12 FILE IN 21 DAYS; RIGHT? THAT WOULD BE DECEMBER 6TH, ASSUMING
13 IT'S GETTING FILED TOMORROW ON NOVEMBER 15TH.

14 IF YOU WANTED FOUR MORE WEEKS, ONE, TWO, THREE, THAT WOULD
15 LAND ON JANUARY 3RD.

16 BUT IF YOU WANTED, I COULD SAY JANUARY 10. IS THAT ENOUGH
17 TIME?

18 MR. MAGIC: I THINK THAT WOULD WORK, YOUR HONOR, YES.

19 THE COURT: OKAY. SO THEN FILE A CONSOLIDATED MOTION
20 TO DISMISS TO THE THIRD AMENDED COMPLAINT -- I DON'T EVEN KNOW
21 WHAT COMPLAINT IT IS AS TO APPLE OR AS TO TWITTER. I DON'T
22 KNOW WHAT COMPLAINT YOU'RE ON.

23 LET'S JUST SAY MOTION TO DISMISS THE OPERATIVE COMPLAINT,
24 WHATEVER NUMBER YOU'RE ON IN ALL OF YOUR CASES.

25 MR. LEE: YOUR HONOR, MAY I?

1 THE COURT: YEAH.

2 MR. LEE: GENE LEE FOR TWITTER.

3 ONE CONCERN THAT OCCURS TO ME, YOUR HONOR, IS THAT THERE'S
4 A DIFFERENT ALIGNMENT OF PATENTS ACROSS THE DEFENDANTS WITH SIX
5 PATENTS ASSERTED AGAINST APPLE, FOR EXAMPLE.

6 THE COURT: UM-HUM.

7 MR. LEE: THERE ARE FOUR PATENTS ASSERTED AGAINST
8 AMAZON THAT ARE NOT ASSERTED AGAINST TWITTER, AND AS WE'VE
9 HEARD FROM MR. MALEK TODAY, THE PLAN IS TO REDUCE THE ASSERTED
10 PATENTS AGAINST TWITTER DOWN TO ONE, JUST THE '005 PATENT.

11 THE COURT: UM-HUM.

12 MR. LEE: SO GIVEN THAT DIFFERENCE, I'D LIKE TO
13 REQUEST, ON BEHALF OF TWITTER, THE OPPORTUNITY TO FILE A
14 SEPARATE 101 MOTION BECAUSE OUR CLAIM SET IS GOING TO BE VERY
15 DIFFERENT FROM THAT OF THE OTHER DEFENDANTS.

16 THE COURT: WELL, ISN'T THIS LARGELY -- I MEAN, IF
17 IT'S THE SAME SPECIFICATION, ISN'T THIS LARGELY GOING TO BE --
18 WELL, I GUESS THE CLAIM ANALYSIS WILL BE DIFFERENT.

19 ARE YOU MOVING AS TO ALL SIX PATENTS, APPLE?

20 MR. MAGIC: YOUR HONOR, I MAY BE A LITTLE PRELIMINARY
21 HERE, BUT AT THE MOMENT, MY ANSWER WOULD BE YES.

22 THE COURT: OKAY. WHY DON'T WE DO THIS: YOU KNOW, I
23 GUESS THE LATER FILED CASES COULD BE ON A LATER TRACK. THEY
24 DON'T HAVE TO BE CONSOLIDATED WITH THIS ONE. RIGHT? I MEAN,
25 DO YOU HAVE A VIEW? YOU'RE PROBABLY MORE FAMILIAR WITH THE SIX

1 PATENTS THAN I AM.

2 MR. MAGIC: YOUR HONOR, FROM APPLE'S PERSPECTIVE, WE
3 THINK THAT ACTUALLY IT DOES MAKE SENSE TO PUT THE TWO APPLE
4 CASES ESSENTIALLY ON THE SAME TRACK. AND IF YOU, I GUESS,
5 EXPAND THAT LOGIC, THAT WOULD ANSWER YOUR QUESTION AS TO LATER
6 FILED VERSUS EARLIER FILED.

7 THE COURT: YOU -- I DIDN'T UNDERSTAND THAT LAST
8 POINT.

9 MR. MAGIC: OH, SORRY. YOU WERE ASKING ABOUT LATER
10 FILED VERSUS EARLIER FILED. I BELIEVE THE LATER FILED CASES
11 INVOLVE THE FOUR ADDITIONAL PATENTS.

12 THE COURT: RIGHT.

13 MR. MAGIC: I THINK THAT'S WHAT YOU'RE REFERRING TO.

14 THE COURT: UM-HUM.

15 MR. MAGIC: AND FROM APPLE'S PERSPECTIVE, WE THINK IT
16 MAKES SENSE TO PUT THE EARLIER FILED AND THE LATER FILED APPLE
17 CASE ON THE SAME TRACK AT LEAST.

18 THE COURT: UM-HUM.

19 MR. MAGIC: AND I DON'T SPECIFICALLY HAVE A POSITION
20 ON A LATER FILED CASE NOT AGAINST APPLE, BUT I THINK IF YOU
21 APPLY THAT SAME LOGIC, IT WOULD ALSO MAKE SENSE TO HAVE THE
22 OTHER LATER FILED CASE ON THE SAME TRACK AS THE REST OF THE
23 CASES.

24 THE COURT: WELL, I'M ALSO JUST WONDERING, FROM A
25 COURT PERSPECTIVE, COULD WE HANDLE A 101 MOTION ON SIX PATENTS

1 ALL AT THE SAME TIME. THAT'S --

2 MR. MAGIC: ANOTHER OPTION, YOUR HONOR, IS IF YOU'D
3 LIKE THE ADDITIONAL FOUR BRIEFED SEPARATELY, OR SOMETHING TO
4 THAT EFFECT? WHATEVER IS BEST FOR YOUR HONOR.

5 THE COURT: WELL, YOU KNOW WHAT I WOULD LIKE? I
6 WOULD LIKE THAT CLAIM NARROWING BEFORE THAT 101 MOTION GETS
7 FILED, BECAUSE I DON'T THINK IT'S FAIR TO MAKE US DO A LAUNDRY
8 LIST OF CLAIMS.

9 SO HOW MANY CLAIMS HAVE YOU ASSERTED? AND I GUESS IT'S A
10 DIFFERENT NUMBER AS TO EVERY DEFENDANT; IS THAT RIGHT? OR NOT?

11 MR. MALEK: THAT'S GENERALLY THE CASE, YOUR HONOR,
12 ALTHOUGH IT'S A SIGNIFICANT NUMBER IN EACH CASE.

13 BUT I CERTAINLY CAN NARROW THAT DOWN PROBABLY IN THE
14 INTERIM PERIOD THAT WE'LL BE DISCUSSING THE REVISED CASE
15 MANAGEMENT STATEMENT.

16 THE COURT: OKAY. SO I SEE, JUST AGAINST APPLE, 36
17 CLAIMS ASSERTED IN THE TWO PATENTS. LET ME JUST -- I'M JUST
18 CHECKING TO SEE -- AND THEY'RE NOT THE SAME ONES. THAT'S WHY I
19 DON'T LIKE PATENT CASES.

20 ARE THEY ALL THE SAME ONES, OR NOT, AGAINST THE DIFFERENT
21 DEFENDANTS?

22 OKAY. IT LOOKS LIKE FOR THE '815 PATENT, YOU'RE ASSERTING
23 THE SAME CLAIMS AGAINST APPLE AS AGAINST AT&T.

24 LET ME CHECK THE '005 PATENT.

25 (PAUSE IN PROCEEDINGS.)

1 THE COURT: OKAY. SO IT LOOKS LIKE, AT LEAST WITH
2 REGARD TO AT&T AND APPLE, YOU'RE ASSERTING THE SAME CLAIMS.

3 LET ME SEE. SO AGAINST TWITTER, YOU'RE ONLY ASSERTING THE
4 '005 PATENT; IS THAT CORRECT?

5 MR. MALEK: THAT'S CORRECT, YOUR HONOR.

6 THE COURT: SO HAVE YOU ALREADY DONE THE DELETION OF
7 THE SECOND PATENT? OR --

8 MR. MALEK: NO, YOUR HONOR.

9 THE COURT: I THOUGHT YOU SAID WITH REGARD TO
10 TWITTER, YOU'RE GOING TO ELIMINATE A PATENT.

11 MR. MALEK: WE ARE GOING TO ELIMINATE THE '815, YOUR
12 HONOR.

13 THE COURT: BUT THAT'S NOT EVEN IN YOUR JOINT CASE
14 MANAGEMENT STATEMENT.

15 MR. MALEK: I BELIEVE WE DID NOTE THAT WE WERE GOING
16 TO ELIMINATE IT FROM THE -- OR THE --

17 MR. LEE: IT'S THERE, YOUR HONOR.

18 MR. MALEK: WE WERE GOING TO FILE A WITHDRAWAL OF --

19 MR. LEE: IT'S PARAGRAPH 4B, YOUR HONOR. I'M SORRY.

20 THE COURT: WELL, I'M JUST LOOKING AT THE TWITTER
21 JOINT CASE MANAGEMENT STATEMENT. IT'S ECF NUMBER 61. I'M
22 LOOKING AT SECTION 2, FACTS. IT SAYS, "VOIP-PAL ALLEGES THAT
23 TWITTER'S MOBILE DEVICE APPLICATIONS AS WELL AS TWITTER'S
24 COMMUNICATIONS SYSTEMS AND SERVICES INFRINGE AT LEAST," AND
25 THEN THE FOLLOWING CLAIMS THE '005. "VOIP-PAL SEEKS DAMAGES

1 FOR TWITTER'S ALLEGED INFRINGEMENT."

2 IT DOESN'T EVEN MENTION THE '815 IN THE FACTS.

3 MR. MALEK: THAT'S CORRECT, YOUR HONOR.

4 AND THEN IN SECTION 4B, IN THE LAST SENTENCE, WE INFORM
5 THE COURT THERE THAT WE INTEND TO VOLUNTARILY DISMISS THE
6 ASSERTION OF THE '815 PATENT.

7 THE COURT: SO ARE YOU GOING TO -- WHY DON'T YOU FILE
8 A CLEAN COMPLAINT TAKING THAT OUT?

9 WOULD YOU LIKE THAT?

10 MR. LEE: THAT WOULD BE SATISFACTORY, YOUR HONOR.

11 THE COURT: OKAY. SO FILE, THEN, A -- I DON'T KNOW,
12 WHAT NUMBER ARE YOU ON? ARE YOU ON THE ORIGINAL COMPLAINT?

13 MR. MALEK: IN THE TWITTER CASE, I BELIEVE WE'RE
14 STILL AT ONE, SO WE'LL FILE A SECOND AMENDED COMPLAINT.

15 THE COURT: WAIT. YOU'VE ALREADY AMENDED THE
16 COMPLAINT?

17 MR. MALEK: SORRY, A FIRST AMENDED COMPLAINT.

18 THE COURT: OKAY, YEAH, THAT SOUNDS BETTER.

19 ALL RIGHT. SO FILE A FIRST AMENDED COMPLAINT AS TO
20 TWITTER TOMORROW, NOVEMBER 15TH, THAT STRIKES ALL REFERENCES TO
21 THE '815 PATENT. OKAY?

22 MR. MALEK: YES.

23 THE COURT: ALL RIGHT. NOW, IT LOOKS LIKE, FOR
24 TWITTER, THOSE LOOK -- I MEAN, THERE ARE A COUPLE THAT ARE
25 MISSING FOR TWITTER, BUT -- ALL RIGHT.

1 WELL, I'M NOT GOING TO DO A 101 MOTION ON THIS MANY
2 CLAIMS. SO HOW MANY ARE YOU GOING TO CUT IT DOWN TO? I
3 REFUSE --

4 MR. MALEK: YOUR HONOR, I'D NEED A LITTLE BIT OF TIME
5 TO DETERMINE THAT, BUT I'M CONFIDENT THAT I CAN CUT IT DOWN.

6 THE COURT: NO, THAT'S NOT GOOD ENOUGH FOR ME.

7 MR. MALEK: UM --

8 THE COURT: I'M NOT GOING TO DO 36 CLAIMS ON A 101
9 MOTION. I REFUSE. SO HOW MANY CLAIMS ARE YOU GOING TO DO?
10 BECAUSE, REMEMBER, I HAVE SIX PATENTS I HAVE TO DO IT ON.
11 SO --

12 MR. MALEK: WHAT WOULD BE A MANAGEABLE NUMBER FOR
13 YOUR HONOR?

14 THE COURT: HOW MANY CLAIMS ARE YOU ASSERTING IN THE
15 FOUR CONTINUATION PATENTS?

16 MR. MALEK: AT THIS TIME IT'S A LARGE NUMBER, SIMILAR
17 TO THIS.

18 THE COURT: UM-HUM.

19 MR. MALEK: BUT, YOU KNOW, CERTAINLY WE'RE EXPECTING
20 TO NARROW IT DOWN. JUST -- I'M JUST NOT CONFIDENT I CAN DO IT
21 STANDING RIGHT HERE TODAY, BUT I CERTAINLY AM CONFIDENT THAT WE
22 CAN NARROW IT DOWN SIGNIFICANTLY.

23 THE COURT: OKAY. SO THIS IS WHAT WE'RE GOING TO DO:
24 WE CAN'T DO SIX PATENTS ALL AT ONCE. IF YOU GO ONLINE AND LOOK
25 AT MY 101 ORDERS, THEY'RE PRETTY LONG AND THEY'RE PRETTY

1 THOROUGH AND I CAN'T DO THAT ON SIX PATENTS. SO THAT'S JUST
2 NOT GOING TO HAPPEN.

3 SO WE'LL DO ONE ROUND OF A CONSOLIDATED MOTION TO DISMISS,
4 IT'LL ONLY BE AS TO '815 AND '005, OKAY? SO I'M NOT GOING TO
5 GIVE YOU ANY MORE PAGES OR YOUR OWN SEPARATE MOTION, IT'S ONLY
6 TWO PATENTS. OKAY?

7 IT'S GOING TO BE ON 20 CLAIMS, THAT'S IT, ACROSS BOTH
8 PATENTS. SO TAKE YOUR BEST SHOT AND PICK YOUR BEST ONES.

9 AS FAR AS THE OTHER MOTION TO DISMISS, I PROBABLY
10 SHOULDN'T EVEN BE HAVING A CONVERSATION BECAUSE AMAZON IS NOT
11 HERE. SO ONCE AMAZON SHOWS UP IN JANUARY, THEN WE WILL SET A
12 BRIEFING SCHEDULE FOR THAT, ASSUMING THEY WANT TO DO A 101
13 CHALLENGE. I DON'T KNOW IF THEY DO OR NOT. BUT ASSUMING THEY
14 DO, WE'LL SET THAT SCHEDULE IN JANUARY WHEN THEY'RE HERE. I
15 THINK IT'S A LITTLE BIT PROBABLY UNFAIR FOR ME TO BE TALKING
16 ABOUT THEIR CASE WHEN, AT THIS POINT, THEY'RE STILL IN NEVADA.
17 OKAY?

18 SO -- BUT THAT ONE AS WELL WILL BE A CONSOLIDATED MOTION
19 TO DISMISS, ASSUMING THEY WANT TO FILE A 101 MOTION TO DISMISS
20 WITH APPLE, AND WE'RE GOING TO LIMIT THOSE NUMBERS OF CLAIMS.
21 WE COULD SAY 20 FOR THAT ONE AS WELL.

22 SO THE SECOND ROUND -- THE AMAZON/APPLE CASE WILL ONLY BE
23 ASSERTING 20 CLAIMS AS WELL ACROSS THE FOUR CONTINUATIONS. ALL
24 RIGHT? AND THEN THAT WILL BE THE SUBJECT OF THAT MOTION TO
25 DISMISS, ASSUMING THAT'S WHAT YOU WANT TO DO IN RESPONDING TO

1 THE COMPLAINT IN THOSE CASES.

2 MR. MAGIC: YOUR HONOR, A COUPLE OF QUESTIONS ABOUT
3 THAT.

4 THE COURT: YEAH.

5 MR. MAGIC: WILL YOU ISSUE AN ORDER ALLOWING US TO --
6 OR EXTENDING TIME TO RESPOND TO THE COMPLAINT SO THAT THIS
7 WORKS OUT PROCEDURALLY UNTIL WE GET TO THE NEXT CMC, AT WHICH
8 POINT YOU'LL SET THE DEADLINE FOR A BRIEFING OR RESPONSE TO THE
9 COMPLAINT, WHICHEVER IT'S GOING TO BE? 101 BRIEFING OR ANSWER,
10 ESSENTIALLY.

11 THE COURT: THAT'S FINE. WE'LL PUT IN THIS JOINT
12 CASE MANAGEMENT STATEMENT THAT WE'LL SET A BRIEFING AND
13 RESPONSE SCHEDULE IN THE AMAZON AND APPLE CASES ON JUNE 16TH --
14 JANUARY 16TH.

15 MR. MAGIC: THAT MAKES SENSE, YOUR HONOR.

16 MY OTHER QUESTION FOR YOU WAS --

17 THE COURT: UH-HUH.

18 MR. MAGIC: -- YOU MENTIONED LIMITING THE BRIEFING TO
19 20 CLAIMS. JUST SO WE'RE ALL CLEAR PROCEDURALLY, ARE YOU --

20 THE COURT: NO, NO, NO. I'M SAYING HE CAN ASSERT 20
21 CLAIMS.

22 MR. MAGIC: THAT'S WHAT I WANTED TO CLARIFY. ARE YOU
23 SETTING A PARTICULAR DATE BY WHICH THE PLAINTIFF HAS TO DO
24 THAT SO THAT WE HAVE SOME LEAD TIME --

25 THE COURT: YES.

1 MR. MAGIC: -- BEFORE WE HAVE TO DRAFT THE BRIEFS?

2 THE COURT: WHEN CAN YOU DO THAT? THIS CASE HAS BEEN
3 PENDING SINCE 2016. YOU ALL HAVE GONE THROUGH IPR. YOU KNOW
4 WHAT THIS CASE IS. YOU PROBABLY HAVE SEEN THEIR BEST PRIOR ART
5 THROUGH THE IPR PROCESS, SO YOU SHOULD BE ABLE TO DO THIS
6 QUICKLY. WHEN ARE YOU GOING TO BE ABLE TO DO THIS?

7 MR. MALEK: YOUR HONOR, WE COULD PROBABLY DO THAT BY
8 THE END OF NEXT WEEK.

9 MIGHT I PROPOSE THAT THE PARTIES CONFER AND PROPOSE A
10 BRIEFING SCHEDULE AS PART OF A NEW CASE MANAGEMENT STATEMENT?

11 THE COURT: I'M SORRY, I DIDN'T UNDERSTAND THAT.

12 MR. MALEK: I WAS JUST GOING TO SUGGEST, TO HELP
13 ALLEVIATE SOME OF THE SCHEDULING ISSUES THAT THE COURT MIGHT
14 HAVE IN REGARDS TO THIS MOTION TO DISMISS, THAT WE WILL
15 COMMUNICATE TO THE DEFENDANTS BY THE END OF NEXT WEEK WHAT
16 THOSE 20 CLAIMS ARE, AND THEN WE CAN HAVE ANOTHER MEET AND
17 CONFER TO INTEGRATE INTO A NEW CASE MANAGEMENT STATEMENT THE
18 BRIEFING SCHEDULE FOR THE MOTION TO DISMISS.

19 THE COURT: NO. WE'RE GOING TO SET THAT SCHEDULE
20 NOW.

21 THE END OF NEXT WEEK IS THE FRIDAY AFTER THANKSGIVING.
22 WOULD YOU LIKE A DIFFERENT DAY?

23 MR. MALEK: I MEAN, IF THE COURT ALLOWS IT, THAT
24 WOULD BE PREFERABLE, BUT WE CERTAINLY COULD DO THAT DAY IF WE
25 HAD TO. IF THE COURT IS WILLING TO ALLOW US TO HAVE THAT EXTRA

1 TIME, CAN WE SAY BY NOVEMBER 28TH?

2 THE COURT: ANY OBJECTION?

3 MR. LEE: NOT FROM TWITTER.

4 MR. BOREN: NO, YOUR HONOR.

5 THE COURT: OKAY.

6 MR. MAGIC: NOT FROM APPLE, YOUR HONOR.

7 THE COURT: OKAY. SO BY NOVEMBER 28TH OF 2018, THE
8 PLAINTIFF IS GOING TO IDENTIFY THE 20 CLAIMS THAT THEY ARE
9 ASSERTING FROM THE '005 PATENT AND THE '815 PATENT, AND YOU'LL
10 SPECIFY WHICH CLAIMS AGAINST WHICH DEFENDANTS; RIGHT?

11 MR. MALEK: WE WILL, YOUR HONOR.

12 THE COURT: OKAY. THANK YOU.

13 SO DO THAT BY NOVEMBER 28TH, 2018.

14 NOW, WHAT'S THE DATE, SINCE AMAZON DOESN'T -- IS NOT
15 INVOLVED IN THIS MOTION TO DISMISS, SINCE IT'S ONLY GOING TO BE
16 FOCUSED ON THE '005 AND THE '815, WHAT'S THE DATE? WHEN CAN
17 YOU DO IT IF YOU GET THE 20 CLAIMS BY THE 28TH?

18 MS. WOODWORTH: I THINK -- YOUR HONOR OBVIOUSLY
19 SUGGESTED -- SORRY, THIS IS MEGAN WOODWORTH AGAIN ON BEHALF OF
20 VERIZON.

21 I THINK THAT YOU HAD SUGGESTED JANUARY 10TH, WHICH SOUNDED
22 REASONABLE FOR US.

23 MR. BOREN: YOUR HONOR, FOR AT&T, BECAUSE OF THE
24 HOLIDAYS, THAT PROBABLY MAKES SENSE. WE HAVE A BIT OF A HEAD
25 START AND WE CAN GET THERE, BUT THE HOLIDAYS WILL SLOW US DOWN.

1 THE COURT: ALL RIGHT. THAT'S FINE, BECAUSE IT'S
2 CONSOLIDATED AND YOU'LL GET NO MORE PAGES THAN WHAT'S PROVIDED
3 UNDER THE CIVIL LOCAL RULES, 25, 25, 15. OKAY? SO IT'LL BE A
4 CONSOLIDATED MOTION TO DISMISS FILED ON JANUARY 10.

5 WHEN WOULD YOU LIKE YOUR OPPOSITION?

6 MR. MALEK: THIRTY DAYS, JUDGE.

7 THE COURT: THAT'S FINE. SO THAT WOULD BE
8 FEBRUARY 7TH.

9 AND THEN REPLY?

10 MR. MAGIC: YOUR HONOR, IF YOUR HONOR IS AMENABLE TO
11 THREE WEEKS, I THINK GIVEN THE NATURE OF THE MULTIPLE PARTIES
12 INVOLVED --

13 THE COURT: THAT'S FINE. THE 28TH.

14 ALL RIGHT. LET ME GET A HEARING, THEN, FROM MS. MASON.

15 THE CLERK: YOUR HONOR, WE COULD DO FEBRUARY THE --
16 MY APOLOGIES -- MARCH THE 14TH OR THE 21ST.

17 THE COURT: LET'S DO MARCH 21. THAT'LL GIVE US THREE
18 WEEKS WITH THE REPLY.

19 OKAY. SO YOUR HEARING IS GOING TO BE MARCH 21, 2019, AT
20 1:30.

21 NOW, WITH REGARD TO THE CASE SCHEDULE, JUST FOLLOW THE
22 PATENT LOCAL RULES. I'M NOT GOING TO DELAY THE PATENT LOCAL
23 RULE DATES BASED ON THE MOTION TO DISMISS. OKAY? SO PLEASE
24 DON'T INCLUDE THAT IN YOUR REQUESTED CASE SCHEDULE IN THE JOINT
25 CASE MANAGEMENT STATEMENT.

1 WHEN YOU'RE HERE ON THE 16TH, WE'LL WORK OUT A SEPARATE
2 SCHEDULE FOR ANY MOTION TO DISMISS FILED BY AMAZON AND APPLE AS
3 TO THE FOUR CONTINUATIONS. OKAY?

4 MR. MAGIC: THANK YOU, YOUR HONOR.

5 THE COURT: AND AS FAR AS -- I THINK IT WOULD BE
6 HELPFUL TO GET THE DATE BY WHICH THE PLAINTIFF IS GOING TO
7 IDENTIFY THE 20 CLAIMS THEY'RE ASSERTING FROM THE CONTINUATIONS
8 AGAINST AMAZON AND APPLE. WHEN ARE YOU GOING TO DO THAT?
9 LET'S NOT WAIT UNTIL JANUARY 16TH FOR THAT.

10 MR. MALEK: OF COURSE NOT. HOW ABOUT DECEMBER 14TH?

11 THE COURT: DO YOU WANT TO BE HEARD ON THAT?

12 MR. MAGIC: YOUR HONOR, IF THE PLAINTIFF IS ABLE TO
13 DO THAT, I THINK THAT'S -- NO OBJECTION FROM APPLE.

14 JUST TO BE CLEAR, THE PLAN IS 20 CLAIMS ACROSS ALL FOUR OF
15 THOSE ADDITIONAL PATENTS; IS THAT RIGHT?

16 THE COURT: THAT'S CORRECT.

17 MR. MAGIC: NO OBJECTION FROM APPLE TO THE PLAINTIFF
18 NARROWING BY DECEMBER 14TH.

19 THE COURT: OKAY. THAT'S FINE. AND THEY'LL HAVE TO
20 SPECIFY WHICH ONES ARE BEING ASSERTED AGAINST AMAZON AND WHICH
21 ONES ARE BEING ASSERTED AGAINST APPLE.

22 OKAY. THEN BASED ON THAT, ON THE 16TH OF JANUARY WE WILL
23 SET -- ON THE ASSUMPTION THAT YOU'RE PROBABLY GOING TO FILE A
24 101 MTD, WE'LL SET THE SCHEDULE FOR THAT BRIEFING AND HEARING.
25 IT'LL BE ON A DIFFERENT SCHEDULE.

1 NOW, I WOULD WANT YOU, THOUGH, TO GO AHEAD WITH THE PATENT
2 LOCAL RULES, THOUGH. CAN YOU DO THAT WITHOUT HAVING A 101
3 RULING? WHICH I THINK IS FINE.

4 MR. MAGIC: IN TERMS OF CONSTRUCTING A SCHEDULE TO
5 SUBMIT FOR THE JANUARY CMC, I DON'T SEE WHY THAT WOULD BE A
6 PROBLEM, YOUR HONOR.

7 THE COURT: OKAY. ALL RIGHT. WELL, I DON'T DEVIATE
8 FROM PATENT LOCAL RULES, SO IF YOU ALL JUST UNDERSTAND THAT,
9 THEN I THINK IT'LL BE FAIRLY EASY TO COME UP WITH A CASE
10 SCHEDULE AT THAT TIME.

11 OKAY. WHAT ELSE? ANYTHING ELSE WE NEED TO DO TODAY?

12 MR. MALEK: NOTHING FROM PLAINTIFF, YOUR HONOR.

13 THE COURT: NO? OKAY. THANK YOU ALL.

14 MR. BOREN: THANK YOU, YOUR HONOR.

15 MR. MAGIC: THANK YOU, YOUR HONOR.

16 MR. LEE: THANK YOU, YOUR HONOR.

17 MR. HECTOR: THANK YOU, YOUR HONOR.

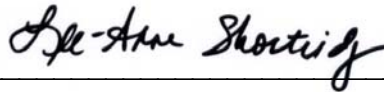
18 (THE PROCEEDINGS WERE CONCLUDED AT 2:54 P.M.)
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: DECEMBER 10, 2018