

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

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In re: VEHICLE TRACKING AND)	Case No. 11-MD-2249 (DWF/SER)
SECURITY SYSTEM ('844) PATENT)	
LITIGATION)	
_____)	
)	
)	St. Paul, Minnesota
This Document Relates to)	December 19, 2012
All Actions)	3:00 p.m.
)	

BEFORE **THE HONORABLE DONOVAN W. FRANK**
 UNITED STATES DISTRICT COURT JUDGE
 AND BEFORE **THE HONORABLE STEVEN E. RAU**
 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

PRETRIAL STATUS CONFERENCE HEARING

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APPEARANCES (Continued):

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1 and who is with you on behalf of the Plaintiff? Do you want
2 to note your presence for the record, along with Ms.
3 Whitehead, as well?

4 MR. FARNEY: Yes, Your Honor. It's Bryan Farney
5 and Maeghan Whitehead of Farney Daniels representing
6 Plaintiff PJC Logistics.

7 THE HONORABLE JUDGE DONOVAN FRANK: Thank you.
8 And for the Defendants, we can start with, well, whoever
9 would like to proceed first. We will try not to have
10 everybody talk at the same time and we can go right down the
11 list.

12 Mr. DeFosse, we can maybe go to that, Mr. Barney,
13 Tom Winland, and -- is it Desai, Desai?

14 MR. DeFOSSE: Good afternoon, Your Honor, John
15 DeFosse, from Sherman and Sterling on behalf of MBUSA.

16 THE HONORABLE JUDGE DONOVAN FRANK: Who would like
17 to proceed next?

18 MR. BARNEY: Good afternoon, Your Honor, this is
19 James Barney with Finnegan Henderson. And with me is Tom
20 Winland, also of Finnegan Henderson on behalf of Defendant
21 Toyota Motor Sales USA.

22 MR. DESAI: Good afternoon, Your Honor, this is
23 Sam Desai from Frommer Lawrence & Haug for Defendants
24 SageQuest and FleetMatics.

25 THE HONORABLE JUDGE DONOVAN FRANK: Thank you all.

1 Do you want to say anything, Your Honor?

2 THE HONORABLE MAGISTRATE JUDGE RAU: No.

3 THE HONORABLE JUDGE DONOVAN FRANK: All right.

4 This is Judge Frank, here. I will indicate for the record,
5 and then I will probably go to -- I'll leave it up to Mr.
6 Anderson and Mr. Williams who wants to address the Court
7 first.

8 We will have all three counsel here say what they
9 need to say. But, the record could reflect, because we are
10 in the courtroom now with my Court Reporter on the record,
11 that we did meet for approximately one hour in chambers,
12 much like the last time we were together. And so, I will --
13 we will defer to counsel, both, maybe all three, on what
14 they would like to put on the record to kind of summarize
15 what has been said.

16 And then I suspect, one, at a minimum, Judge Rau
17 will follow-up with confirming or adding to the issues that
18 discuss the settlement process. And then we discussed a
19 couple other issues on everything from protocol to
20 dispositive motion practice and the like.

21 So, we will begin with counsel that are present
22 here, then we will check in with each of you at the end of
23 their presentation. So, who would like to step to the
24 podium, first, keeping in mind we probably should use the
25 microphone so we can make sure everybody on the phone can

1 hear what is being said.

2 MR. ANDERSON: I will start.

3 THE HONORABLE JUDGE DONOVAN FRANK: Mr. Anderson?

4 MR. ANDERSON: Thank you. I am going to start by
5 saying that most of all of what we discussed in chambers
6 related to the settlement conference, upcoming. I am going
7 to start at the date set for the settlement conference, and
8 then work, if you will, forward with the dates.

9 So the parties have agreed that the settlement
10 conference would be before Judge Rau on January 30th and
11 31st, with February 1st as a possible back-up if things need
12 to go further after that. A week before that date, or by
13 January 23rd, Magistrate Judge Rau would like letters from
14 each party, ten pages maximum, that would set forth their
15 positions with regard to settlement. Basically, an advocacy
16 letter, if you will, from each party, maximum of ten pages
17 of what their positions are, why they are right and why the
18 other side is wrong.

19 A week before that, or by January 16th, the
20 parties would separately provide what was described as a
21 quantitative letter or a data dump to the Magistrate Judge
22 containing information regarding previous settlements,
23 sales, and such information of the remaining parties' last
24 offer, last demand that were made; basically, the parties'
25 positions at that point in time.

1 And then on January 8th, 2013, the parties will
2 exchange the financial information, simultaneously, as
3 previously agreed. On the Plaintiff's side, that is
4 providing copies of license agreements that have been
5 entered into. On the Defendants' side, that is providing
6 information on their unit sales, average selling price, and
7 total revenues with respect to the infringing products. And
8 that pretty much sets forth what was discussed with regard
9 to the settlement conferences coming up, I believe.

10 MR. WILLIAMS: That is my recollection, Your
11 Honor. Doug Williams, but with two additional points that
12 we discussed that I don't believe was just recited. The
13 mediation statement paper due on the 23rd, I understood
14 would be confidential to the Magistrate, not shared with the
15 other parties.

16 THE HONORABLE MAGISTRATE JUDGE RAU: That is
17 correct.

18 MR. ANDERSON: I don't think any of the letters
19 that are being sent are being shared.

20 MR. WILLIAMS: And then also on the 16th, we had a
21 discussion that the information that is now due from the
22 Defendants on their responses to the non-infringement
23 contentions would be timely so that the Defendants would
24 have full opportunity to incorporate those responses in
25 their mediation statements that would be due the week later.

1 And I think with that, we had an accurate understanding of
2 what was discussed.

3 MR. FLOREY: Thank you, Your Honor. Michael
4 Florey. I am confident Mr. Anderson meant to say the
5 "accused products," instead of the "infringing products."

6 I do think there is one point we need to clarify.
7 On the sales figures, we need a date range for that. I
8 guess I have been assuming it is since the filing of the
9 Complaint to present, but I would like to confirm that is
10 the date range we are all talking about.

11 MR. ANDERSON: I believe it is going six years
12 back.

13 THE HONORABLE JUDGE DONOVAN FRANK: Mr. Farney?

14 MR. ANDERSON: Mr. Farney, that is correct; isn't
15 it?

16 MR. FARNEY: Your Honor, our position in the case
17 is that we are entitled to go, as the statute permits,
18 six years prior to the date of filing. In other discussions
19 we have had with other parties, we have asked for and
20 received that same information in most cases, there was a
21 couple of exceptions. So, that is what we would have
22 anticipated. That is what we are basing our case upon.

23 MR. ANDERSON: Yes. So, that would be six years
24 back from the date of filing, and then from date of filing
25 going forward.

1 MR. FLOREY: Okay, I would say that is new
2 information for us. I think in the past the Plaintiffs had
3 only asked for that information from the date of the
4 Complaint. So, we will have to consider that.

5 THE HONORABLE MAGISTRATE JUDGE RAU: Well, let me
6 -- we are not going to resolve that issue today, but let me
7 urge you to see if you can reach some agreement on that
8 particular issue prior to exchanging it.

9 And it is certainly a discovery-related issue, in
10 any event. So, if you need a little judicial assistance in
11 resolving it, then we are going to talk in a little bit
12 about the informal discovery dispute resolution mechanism I
13 use. And we can talk about it then, okay?

14 MR. FLOREY: Fair enough.

15 THE HONORABLE MAGISTRATE JUDGE RAU: All right.

16 MR. FLOREY: Beyond that, I agree with what Mr.
17 Anderson and Mr. Williams said.

18 THE HONORABLE MAGISTRATE JUDGE RAU: Thank you.
19 Thank you. Does anyone else, with respect to the settlement
20 process -- now, just so it is clear to everyone, in this
21 District we don't have corporate representatives appear by
22 phone.

23 We need to have someone here at the settlement
24 conference that has full settlement discretion. And by that
25 I mean, I don't want someone saying: Judge, I need to call

1 so and so at corporate headquarters in order to make a
2 decision.

3 So, for the lawyers that practice in this
4 District, I urge you to counsel and discuss this issue with
5 the PH -- the admitted members of the Bar and their clients,
6 so that they understand it and don't get crosswise, okay?

7 MR. WILLIAMS: Understood, Your Honor.

8 THE HONORABLE MAGISTRATE JUDGE RAU: Thank you.

9 MR. WILLIAMS: I want to go back on the point of
10 the parties trying to resolve the question of the start date
11 for this financial information. Since that information
12 would need to be exchanged by January 8th, and we have a
13 holiday coming up next week, and a lot of people I think
14 would have travel arrangements, I think this is one that the
15 parties should roll up their sleeves in the next 48 hours
16 and resolve this thing if we could by the end of the day on
17 Friday, or advise the Court by the end of the day on Friday.

18 And I apologize to the folks on the phone, but
19 does anyone have any reason why we can't, Mr. Farney and the
20 other defense lawyers, can't resolve this issue between the
21 parties, or else tee it up to the Court by 4:00 p.m. central
22 time on Friday.

23 MR. FARNEY: I don't believe so. This is the
24 issue of how far back sales information should be?

25 THE HONORABLE MAGISTRATE JUDGE RAU: Yes, right.

1 MR. FARNEY: I would expect we can agree or
2 disagree by then.

3 MR. WILLIAMS: 4:00 p.m. on Friday we will reach
4 an agreement or we will advise the Court that we have not.

5 THE HONORABLE MAGISTRATE JUDGE RAU: Yes.

6 MR. WILLIAMS: Fair enough.

7 THE HONORABLE JUDGE DONOVAN FRANK: Unless you
8 want to use the holding cells that we have here, downstairs.

9 THE HONORABLE MAGISTRATE JUDGE RAU: So, I guess
10 the next issue would be how we want to resolve, informally,
11 discovery disputes. Mr. Williams or --

12 THE HONORABLE JUDGE DONOVAN FRANK: Let me ask
13 this, sorry to interrupt you, Judge Rau. But, is there
14 anything else, since there was some discussion back there on
15 kind of how you would manage the settlement conferences, I
16 didn't know if anybody needs anything more. I mean, the
17 three lawyers present here are fully versed in how Judge
18 Rau -- this is Judge Frank, but how Judge Rau is going to
19 set this up.

20 THE HONORABLE MAGISTRATE JUDGE RAU: Right. I
21 mean, I envision starting with the Plaintiffs in a caucus,
22 and then moving to, collectively, two groups of Defendants.
23 And then after that, we will split people up.

24 And I will tell you that the first caucus I have
25 with each party does not involve a discussion of numbers. I

1 want to get to know the parties. I want to get to know
2 their positions. I just want to talk to them and understand
3 the things about the cases that I need to understand,
4 independent of what they provided to me in writing. And it
5 is only when I move to the second series of caucuses that we
6 start talking turkey, so to speak. Okay?

7 For the folks that are on the telephone, are there
8 any questions that you would like to direct to me about that
9 now?

10 MR. DeFOSSE: Judge Rau, this is John DeFosse for
11 MBUSA. We were wondering whether you would like to have all
12 of the client representatives from each of the Defendants
13 there for the entire two-day period, or whether you would
14 envision splitting up the time among the Defendants.

15 THE HONORABLE MAGISTRATE JUDGE RAU: You know, I
16 have gone back and forth about this. I could deal with
17 manufacturers and the Plaintiffs on the first day, and fleet
18 management service folks on the 31st.

19 I will sort of leave that one to you. How do you
20 want to do it? How do you think it is the most efficient
21 use of my time? Because ultimately, and I will tell you now
22 what I will tell you then, parties settle cases. I am just
23 here to help you.

24 It is compromising and negotiations that you make
25 and that I simply serve to facilitate that helps resolve the

1 case.

2 Mr. Williams, do you have a strong feeling about
3 that as a liaison counsel?

4 MR. WILLIAMS: No, Your Honor, I don't at this
5 point in time. But, it occurs to me that what might work
6 for our group would be for our group to discuss that in the
7 next day or two and then that could be a part of our
8 discussion --

9 THE HONORABLE MAGISTRATE JUDGE RAU: Yes, right.

10 MR. WILLIAMS: -- also of our start/end date for
11 the damages.

12 THE HONORABLE MAGISTRATE JUDGE RAU: Right, right.
13 And I can't imagine that Mr. Anderson or Mr. Farney would
14 care, as long as parties are there to settle, and that they
15 use that time wisely for the purpose of settling. So,
16 whether they are just dealing with manufacturers on the one
17 day, and the next day whoever is left, I don't know.

18 Mr. Farney?

19 MR. FARNEY: Your Honor, this is Bryan Farney.

20 THE HONORABLE MAGISTRATE JUDGE RAU: Yes.

21 MR. FARNEY: Obviously, we will handle it however
22 you see fit. I think our own view is that we might be more
23 efficient and more likely to get things done sooner, with
24 less use of the Court's time, if we start with all of the
25 Defendants.

1 We will see how it goes, but I think it will be
2 more efficient to do it that way, rather than split it up.
3 But, that is just our view.

4 THE HONORABLE MAGISTRATE JUDGE RAU: Well, you
5 know, I will leave it to you, collectively, to see what you
6 can decide about that. And again, let me know by Friday,
7 just like with the sales information.

8 And if you can't reach agreement, then I will make
9 a call, and you can all throw rotten tomatoes at me later if
10 it doesn't work. Okay?

11 MR. FARNEY: I think my thought is, that if it is
12 going to take, say, a couple of days that we've allotted, I
13 don't know if we can guess in advance which parties might
14 take longer to reach a resolution if a resolution is going
15 to be achieved. Obviously, none of us know that. But, we
16 might take long, and the party who is going to take longer
17 time working through to resolution, bringing them in on the
18 second day and then have a difficulty getting it done.

19 MR. ANDERSON: If I could add, Your Honor, given
20 how this is a dynamic process, and you don't know going in
21 where people are going to be, you know, especially if you
22 arbitrarily set, you know, sort of one group for one day --

23 THE HONORABLE MAGISTRATE JUDGE RAU: Right.

24 MR. ANDERSON: -- and the other group for the
25 other day, we are not going to have any idea as to where

1 people are. And you are not going to have any idea where
2 people are until sometime after the 23rd when you read
3 the --

4 THE HONORABLE MAGISTRATE JUDGE RAU: Right.

5 MR. ANDERSON: And once you get started, it may be
6 that somebody -- you say something, and all of a sudden
7 somebody settles out, and they are gone in a matter of
8 hours, and there becomes a dynamic, here.

9 THE HONORABLE MAGISTRATE JUDGE RAU: Yes.

10 MR. ANDERSON: No one wants to be, necessarily,
11 the last person standing, perhaps.

12 So, my own view when this was initially raised was
13 that everybody ought to be there to start, and then we will
14 see how it goes. It will be an incentive for someone who
15 wants to leave early before the snowfall.

16 THE HONORABLE MAGISTRATE JUDGE RAU: Right. The
17 bottom line is I am never bored during a settlement
18 conference. The parties are the ones that sometimes have a
19 lot of downtime.

20 THE HONORABLE JUDGE DONOVAN FRANK: One thing --
21 Judge Frank, here, for those on the phone. One thing we
22 discussed in chambers, also, and not inconsistent with
23 standalone cases, it can be a little bit different in an MDL
24 setting.

25 If during the settlement conference it becomes

1 clear, early on or somewhere during the -- or anywhere
2 during the conference that, well, there is a decision we
3 need by the Judge, admittedly that happens a little less in
4 patent cases than non-patent cases. But, if there is
5 something that, really, here is the decision we need for one
6 or more of these cases to settle, then that can also be
7 discussed.

8 The other thing we discussed in chambers, I don't
9 think it will come as a surprise to anyone more than Mr.
10 Williams or Mr. Anderson -- well, Mr. Williams brought it
11 up, but I think we had the discussion. And everyone, we
12 agreed, everyone who was in chambers on, and that is this.
13 In the event that -- and Judge Rau doesn't like using the
14 "F" word, fail. As he said, if the settlement discussions
15 fail, whether we have a status conference with me before, or
16 with both of us before you leave town or shortly thereafter
17 on, well, we need some staged discovery, or one or more of
18 us want to bring -- we want to have a discussion about an
19 orderly dispositive motion schedule, as opposed to --
20 because you won't hear from me that, well, we are going to
21 wait until the end of the dispositive motion schedule and
22 hear everything at the end.

23 On the other hand, we will make sure, and we
24 discussed it because Mr. Anderson expressed some concerns,
25 and I think that we all kind of agreed that it can be done

1 in a fair and orderly fashion, the goal of which is to hold
2 down some costs and minimize delay.

3 And I don't know if any of the counsel present in
4 the courtroom want to say anything more about that piece of
5 it before I move on to any discovery issues. They are kind
6 of all shaking their head that it is not necessary.

7 Do any of the folks on the phone have any
8 questions about that? Now, keep in mind I am not
9 presupposing by saying that that this is going to fail. I
10 don't mean to suggest that at all. But, we will be ready to
11 proceed appropriately in the event that it does.

12 So, anybody have any -- and I think the question
13 that came up in chambers was, well, there are some Judges or
14 some Districts where they say: Well, look it, MDLs or
15 non-MDLs, we'll take all the motions at the end. And we
16 will make sure that doesn't happen. It doesn't mean we are
17 going to agree on what order, but we also will do it in a
18 way that is fair to both the individual Defendants and to
19 the Plaintiff. And so, we will hear everybody out.

20 But, we will probably check in with one another in
21 the event the cases aren't settled before you leave town,
22 unless you are all saying: Look it, we are fried. We have
23 had enough for now. Can we get together the next time, or
24 at a status conference in the near future to set up a
25 schedule, with or without some limited or staged discovery,

1 because sometimes that is an issue of, well, the parties
2 disagree on -- well, we agree that a couple of these motions
3 should come first, but we don't agree on what, if any,
4 discovery is needed, and the timing of it all. So, we will
5 just make sure you have access to us for that discussion, if
6 there is any request, which there likely will be. There
7 would be in the typical case whether it was an MDL or not.
8 So, unless anybody on the phone has any inquiry about that,
9 we'll move on with the counsel here and just touch on the
10 discovery issues that we and protocol issues that we
11 exchanged comments on in chambers. Anybody have any
12 questions on anything I have said about the kind of
13 post-settlement, or during settlement in the unlikely event
14 there is a decision then, or post-settlement and the
15 discussions in the event that the case isn't resolved?

16 MR. FARNEY: This is Mr. Farney. We don't have
17 any further comments, Your Honor.

18 THE HONORABLE JUDGE DONOVAN FRANK: Any of the
19 Defendants on the phone have any questions about that? I
20 will take silence as golden.

21 And Mr. Williams, the liaison counsel, can kind of
22 fill you in on -- we had a discussion. I don't think there
23 is anything that we discussed that will surprise anyone, and
24 I think hopefully we can do it in a way that is fair with
25 everyone and yet minimizes expense and delay, as well.

1 So, shall we move on, then, to the discovery
2 issues that were discussed, protocols and procedures? We
3 will let the lawyers step to the plate.

4 MR. ANDERSON: Thank you, Your Honor. With regard
5 to, I'll call it informal resolution of any disputes that
6 came up, both of Your Honors made it clear that if there is
7 some dispute that comes up during a deposition, Judge Rau
8 would first sort of be up to bat, be available, and if he is
9 not available, Judge Frank.

10 And with regard to informal dispute resolution,
11 the bottom line is, whatever the parties agree to, as long
12 as the parties agree to the methodology, that is going to be
13 agreeable. And I don't think I need to go into details of
14 the various permutations of that. But, the bottom line is,
15 as long as everybody agrees, that is the way it will be
16 done.

17 Judge Rau did suggest that with regard that there
18 are some issues where we are probably better off with a
19 formal motion such as privilege issues, and certainly that
20 is something to be taken into account if a dispute arises
21 and if some informal dispute resolution procedure becomes
22 necessary.

23 THE HONORABLE MAGISTRATE JUDGE RAU: Mr. Williams
24 or Mr. Florey, do you have --

25 MR. WILLIAMS: I think that is my recollection of

1 what the discussion was, is that you encouraged us to try to
2 resolve those things, obviously, between the parties. And I
3 am confident that we will be able to do so.

4 But that the deposition issue, I think it was very
5 helpful to have the Court's availability, and in your
6 absence Judge Frank's availability during the depositions I
7 think would be helpful. And we will be very much mindful
8 that if it is a waiver issue or a privilege issue, that your
9 great -- your strong preference is that that be done in
10 writing and not be done informally.

11 MR. FLOREY: I agree, Your Honors. I would add
12 only that I thought I heard, and this is important, that in
13 the process of agreeing on the procedure for submitting the
14 disputes, we would also make sure to satisfy the Local Rule
15 meet and confer requirement about the underlying substantive
16 dispute.

17 THE HONORABLE MAGISTRATE JUDGE RAU: And what the
18 Court said, and what I think is by meeting and conferring
19 about how you submit it to me, that you are satisfying that
20 requirement of the Local Rules. So --

21 THE HONORABLE JUDGE DONOVAN FRANK: And
22 something -- Judge Frank, here. Something that probably
23 doesn't need to be said, and I think some lawyers,
24 especially if they feel they and their clients have been
25 forced into an MDL against their wishes, it truly is kind of

1 the intent and spirit of the MDL Panel, although I think as
2 it turns out, the process that we have set up is what we, at
3 least in this District, we do locally, as well.

4 The idea that we should be available, we should be
5 accessible, whether it is a minor or major dispute, and then
6 especially if the parties have agreed on kind of an
7 expedited methodology, as long as you know, and you now know
8 that one or both of us will be available if need be on short
9 notice, so that we can do the best we can to move things
10 along. So, I think everybody was kind of in agreement on
11 that.

12 Are there other issues, Counsel, for the three of
13 you who were in chambers with us that -- we did, just so you
14 know what you missed for those of you on the phone, we
15 did our -- both of our law clerks said, please rise. And
16 the rumor was that the three lawyers here insisted that we
17 rise because they came into my chambers. So, we stood up as
18 the three attorneys came into chambers. But, they haven't
19 shared that with you yet.

20 But, apart from that, are there other issues
21 counsel here would like to put on the record before we ask
22 the individuals on the phone?

23 Mr. Anderson, on behalf of the Plaintiff?

24 MR. ANDERSON: I don't believe so, Your Honor.

25 THE HONORABLE JUDGE DONOVAN FRANK: Mr. Williams?

1 MR. WILLIAMS: No, except it just occurred to me
2 that I am leaving for Texas. So, if Mr. Florey could take
3 charge of canvassing the group and contacting Mr. Farney on
4 the issue of the start times for the depositions, I will be
5 reachable, but not until midday tomorrow in Texas. So, I
6 just reminded myself that I am not going to be available to
7 help get that conversation started.

8 THE HONORABLE MAGISTRATE JUDGE RAU: You mean
9 start times for sales?

10 MR. WILLIAMS: For sales, correct. Yes. Thank
11 you, Judge.

12 THE HONORABLE MAGISTRATE JUDGE RAU: It sounds
13 like Mr. Florey is hereby deputized.

14 MR. FLOREY: Yes, I am in town. And I have
15 nothing to add.

16 THE HONORABLE JUDGE DONOVAN FRANK: All right.
17 Any counsel on the phone wish to either raise a question or
18 is there anything further you would like to put on the
19 record or put out there, if not for today's hearing and
20 decision, for somewhere down the road?

21 MR. FARNEY: Your Honor, this is Mr. Farney, for
22 the Plaintiff. I had one question and it related to
23 something Mr. Williams said in his summary. There was a
24 reference made which I didn't quite understand to some
25 response of Defendants, or a brief of the Defendants being

1 due in connection with the mediation that tied to some
2 responses due from Plaintiffs on contentions. And I just
3 didn't quite follow what that timing was, or what that was.

4 MR. FLOREY: Yeah, I think that Mr. Williams may
5 have misspoke and said infringement. I believe that he was
6 speaking of the Plaintiff's response to Defendants'
7 invalidity contentions, which are coming due in mid-January,
8 and we believe are important to receive before the mediation
9 conference.

10 MR. FARNEY: I see, okay. I believe they are due
11 the 23rd, I think -- 21st, I'm sorry, 21st.

12 THE HONORABLE MAGISTRATE JUDGE RAU: Well, Mr.
13 Farney, the key issue I think for the Defendants was that
14 they had an opportunity to receive that from the Plaintiffs
15 with enough time that they can incorporate their views about
16 that in their submissions to me. And I am going to check --

17 MR. FARNEY: Is that later on the 23rd?

18 MR. WILLIAMS: Yes. In fact, it is awfully
19 important. In fact, we feel so strongly about it that we
20 don't think we can really have an effective mediation unless
21 we know that information on the 30th. So, it is really
22 critical that we get good quality responses to the
23 invalidity contentions, you know, with at least enough time
24 that we can respond to it.

25 THE HONORABLE MAGISTRATE JUDGE RAU: Are you glad

1 you cracked that egg, Mr. Farney? Because the yolk is
2 runny.

3 MR. FARNEY: Well, I did want to understand it. I
4 did want to understand it. So, I understand that, so I
5 think we will be fine.

6 THE HONORABLE MAGISTRATE JUDGE RAU: All right,
7 that is good.

8 THE HONORABLE JUDGE DONOVAN FRANK: Judge Rau, do
9 you have -- Mr. Anderson, you are up at the podium. Do you
10 want to jump in?

11 MR. ANDERSON: I was getting ready to attack the
12 egg, but I am not going to touch that.

13 THE HONORABLE MAGISTRATE JUDGE RAU: Okay.

14 THE HONORABLE JUDGE DONOVAN FRANK: Judge Rau,
15 anything else?

16 THE HONORABLE MAGISTRATE JUDGE RAU: I have
17 nothing further.

18 THE HONORABLE JUDGE DONOVAN FRANK: Anyone else on
19 the phone? Any of the Defendants that are on the phone,
20 anything further at this time?

21 THE HONORABLE MAGISTRATE JUDGE RAU: Crickets.
22 Okay.

23 THE HONORABLE JUDGE DONOVAN FRANK: Well,
24 everybody have a great holiday. Thanks for your attendance
25 here today. We will stand adjourned. And I guess the

1 proper phrase is, we shall see you next year, something like
2 that perhaps.

3 MR. ANDERSON: Happy holidays, Your Honor.

4 THE HONORABLE JUDGE DONOVAN FRANK: We are
5 adjourned, thank you.

6 ALL COUNSEL: Thank you, Your Honor.

7 (Adjournment.)

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13 I, Jeanne M. Anderson, certify that the foregoing
14 is a correct transcript from the record of proceedings in
15 the above-entitled matter.

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Certified by: s/ Jeanne M. Anderson
Jeanne M. Anderson, RMR-RPR
Official Court Reporter

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