

MlEsBODC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NANOBEBE US INC.,

Plaintiff,

v.

21 Civ. 8444 (GHW)

MAYBORN (UK) LIMITED, ET AL.,

Defendants.

New York, N.Y.
January 12, 2022
3:00 p.m.

Before:

HON. GREGORY H. WOODS,

District Judge

APPEARANCES

GREENBERG TRAURIG, LLP
Attorneys for Plaintiff
BY: JULIE P. BOOKBINDER
ELANA ARAJ

FISH & RICHARDSON P.C.
Attorneys for Defendants
BY: JOHN S. GOETZ

MlEsBODC

(The Court and all parties appearing telephonically)

THE COURT: First, counsel, I apologize for the late start. I had a criminal matter and briefly had to take care of something after I got off the bench. I apologize for the delay. Thank you very much for your patience.

Counsel, let me begin by taking the parties' appearances.

First, who is on the line for plaintiff?

MS. BOOKBINDER: Good afternoon. This is Julie Bookbinder from Greenberg Traurig for plaintiff, Nanobebe U.S. Inc. Also with me is Elana Araj and we have one of our law clerks listening in on the line as well.

THE COURT: Good. Thank you very much.

Who is on the line for defendants?

MR. GOETZ: Your Honor, John Goetz, Fish & Richardson, on behalf of the defendants.

THE COURT: Thank you very much.

Let me begin with a very few brief instructions for the parties for this conference.

At the outset, please remember this is a public proceeding. Any member of the public or press is welcome to dial into the call at any time. I am not monitoring whether they are at this time.

Second, please state your name each time that you speak during the conference. You should do that even if you

MlEsBODC

1 have spoken previously. It will help the court reporter to
2 keep a record of the conference today.

3 Next, please keep your lines on mute at all times,
4 except when you're speaking to me or to the representative of
5 another party.

6 Next, I'm inviting our court reporter to let us know
7 if she has any difficulty hearing or understanding anything
8 that we have to say here today. If the court reporter should
9 ask you to do something that will make it easier for her to do
10 her job, please do it to the extent you can.

11 Finally, I'm ordering that there be no recording or
12 rebroadcast of all or any portion of today's conference.

13 Counsel, with that out of the way, let's begin with my
14 agenda for the conference. This is an initial pretrial
15 conference for the case. What I would like to do is give each
16 of the parties the opportunity to describe any legal or factual
17 issues that you would like to bring to my attention.

18 Second, I hope to talk about the process that we'll be
19 using to litigate the case going forward. I know that the
20 parties have different positions about how to proceed or
21 whether to proceed with discovery until after the claim
22 construction briefing and decision in the case. I look forward
23 to hearing respective positions on that question. Then we will
24 discuss the case management plan and scheduling order with the
25 fruit of that conversation in mind.

MlEsBODC

1 Finally, I hope to discuss what, if anything, I can do
2 to help the parties resolve the case amicably. That's my
3 agenda here.

4 Let me begin with counsel for plaintiff. Counsel,
5 what would you like to tell me about the case?

6 MS. BOOKBINDER: Thank you, your Honor. This is Julie
7 Bookbinder speaking for the plaintiffs.

8 I would like to provide a brief background of my
9 client and also how we got to this dispute before you today.
10 My client, Nanobebe, was founded in 2013 by two dads who spent
11 a few years developing what became the launch of a very
12 innovative product in 2018. *Time* magazine recognized them as
13 one of the 50 best inventions of the year. It's a baby bottle
14 that is specifically designed for breast milk and designed to
15 preserve the nutrients in the breast milk. Nanobebe has
16 further succeeded with that product and launched other product
17 lines as well relating to baby feeding, other accessories,
18 pacifiers, bottle-cleaning products, products for breast milk
19 pumping as well.

20 Perhaps, noticing the success of Nanobebe in the
21 market, in 2019, the defendant here, Mayborn, who makes a
22 competing brand of baby bottles and other baby products,
23 started to reach out to Nanobebe kind of vaguely about
24 strategic opportunities. This went on and off over 2020.
25 Notably, Mayborn did not mention that they had any patent

MlEsBODC

1 applications pending, which it turns out that they did.

2 It was not until August of 2021 that Mayborn first
3 alleged patent infringement against Nanobebe related to the
4 930 patent, which is the patent in suit in this case so far.
5 That patent had just issued in March of 2021. Rather than try
6 to continue any discussions with Nanobebe after Mayborn
7 initially asserted patent infringement, they instead initiated
8 a take-down process through Amazon, which would have used an
9 Amazon evaluator, which would not provide an opportunity for
10 any type of discovery or claim construction proceeding in the
11 way that a patent infringement case should be handled.

12 At that point, we had no choice but to bring this
13 declaratory judgment action to fully adjudicate the issues and
14 hopefully reach a resolution. But obviously our clients fully
15 dispute the infringement allegations brought by Mayborn and
16 needed to prevent the products from being taken down on Amazon.

17 So that brings us to the declaratory judgment suit
18 that we filed here, and we look forward to reaching a proper
19 process to litigate it. As noted, there are disputes about
20 that process, and I'm glad to talk about those issues now, or
21 if you would like to hear on that later.

22 THE COURT: Thank you. Yes, let's turn to that next
23 in the second part of the conference.

24 First, let me turn back to counsel for defendants.
25 Counsel, who would you like to tell me about the case as a

M1EsBODC

1 whole?

2 MR. GOETZ: Thank you, your Honor. John Goetz on
3 behalf of the Mayborn defendants.

4 Just briefly, your Honor, Mayborn has been in the
5 business of making and selling baby products for nearly
6 60 years. They have been doing it for a long, long time,
7 originally starting with their Tommee Tippee no-spill cup in
8 the mid '60s. Since that time, and really more recently in the
9 last decade, they've really made a push to increase their
10 operations and sales in the United States. They are originally
11 a United Kingdom company, but looking to the U.S. and the U.S.
12 market and looking to protect their own innovations.

13 They have continued to innovate since the very first
14 no-spill cup decades and decades ago, and one of those
15 innovations is borne out in these patents. These patents are
16 really about a more breast-like bottle. Baby bottles before
17 the patents that are going to be an issue in this case were
18 traditional bottles, having a very, sort of, skinny nipple and
19 the top part was hard. And it just wasn't aesthetically
20 pleasing. They developed a design that was more rounded
21 like -- that resembles a human breast, accepted better by the
22 baby. And there is also innovation in the nipple design in the
23 air vent that is in there that makes it easier for the baby to
24 feed. So that innovation is one of the innovations that they
25 are going to protect and they are seeking to protect.

MlEsBODC

1 Nanobebe is one of the companies that we believe is
2 infringing on our patents. We did try to resolve this issue
3 through the Amazon process, and the reason we did that is
4 because Amazon is a big marketplace for these products. Amazon
5 has a procedure by which you can try to resolve these disputes.
6 We made an effort to try and do that. It didn't work out, and
7 now we're in this case, and we're looking forward to
8 proceeding.

9 THE COURT: Very good. Thank you.

10 Let's start talking about the discovery process here.
11 Let me begin with counsel for plaintiff.

12 What is your thought about the best way to proceed?
13 At the outset, before we turn to that, the parties have both
14 proposed that we operate in accordance with our district's
15 local rules, which is completely fine. They are part of our
16 district's local rules. I just want to let you know now that
17 we will proceed with that as the default.

18 I have in the past adopted parties' proposal to
19 litigate here, essentially following the Northern District of
20 California's patent rules, which differs from some. They are
21 more robust. I put that on your plate. I think the default
22 rule will be that we will proceed in accordance with this
23 district's local rules, but if the parties thought that a
24 different approach was appropriate, namely the use of the
25 Northern District of California's rules, with which I've become

MlEsBODC

1 somewhat familiar, I'm happy to consider that. That's just a
2 note.

3 Counsel for plaintiff, what do you think is the most
4 logical way to proceed? In particular, why is your proposal
5 better than your adversary's?

6 MS. BOOKBINDER: This is Julie Bookbinder.

7 So our proposal would be that the parties are
8 permitted to conduct discovery limited to claim construction
9 issues prior to the claim construction process and briefing,
10 certainly prior to the hearing. This would be limited to the
11 types of discovery, such as depositions and named inventors and
12 production of documents from Mayborn relating to, for example,
13 conception, reduction to practice of the claim's inventions,
14 prosecution of the patent or patents in suit. And then if
15 either side submits an expert declaration in support of Markman
16 briefing, to permit the expert to be deposed. Those things
17 are --

18 Let me back up one step. I want to make sure I'm
19 understanding the court's instruction that we'll be following
20 the local rules. Our proposal is that we follow the local
21 rules, including the timing. So, in other words, the parties
22 would exchange contentions prior to embarking on the Markman
23 process. This is key because to start the Markman process,
24 from Nanobebe's perspective, we require a few key pieces of
25 information. We need to know what claims are asserted in the

MlEsBODC

1 patent in suit, which we understand there will be a patent
2 added to the case. We need to understand what products are
3 accused of infringing and we need to understand how each of the
4 asserted claims leads on the accused product.

5 From the proposed case management plan, the parties
6 agreed to include claim charts with the exchange -- with the
7 production of contentions, so I think we are getting to, as
8 your Honor pointed out, the Northern District of California
9 local patent rules. That is something the parties -- the
10 Northern District rules are something the parties had not
11 discussed before this conference, but we would be glad to
12 discuss that. And we do value the level of detail that is
13 required by those rules.

14 So that is our proposal, that we can't start the
15 Markman process without knowing what the disputes are. You
16 start with disputed terms of the patent claims. We need to
17 know what claims are asserted, what products are accused of
18 infringement, and how the claims are mapped onto the products.

19 THE COURT: Good. Thank you.

20 Let me hear from counsel for defendant. What's your
21 thought?

22 MR. GOETZ: Thank you, your Honor.

23 So we are pretty close here, your Honor. I mean, we
24 just think that no discovery is needed. We have already given
25 them charts. I mean, I sent over charts, claim charts, of the

MlEsBODC

1 930 patent in December and as a part of our discussions about
2 settlement. I think they know what our basic contentions are.

3 As I put in the letter and as I told counsel, you
4 know, we are planning on giving charts on the claims for the
5 current patent and the new patent soon, like next week. So our
6 proposal is that we would do that, but then all discovery would
7 be stayed until the Markman, in the way that Judge McMahon does
8 it.

9 There is a disagreement, I think, in terms of that
10 discovery. We don't think expert declarations are really
11 necessary for this kind of simple patent case. If they want to
12 have one, maybe we would have one. Maybe we do some limited
13 discovery on that. But when you start to talk about
14 depositions of named inventors, we think the law is pretty
15 clear. I mean, the federal circuit in the Howmedica case, for
16 example, which is 540 F.3d 1337, you know, they said that the
17 inventors' subjective intent is irrelevant to the issue of
18 claim construction. That is just one of the cases. Other
19 cases talk about how inventor testimony is of little to no
20 probative value.

21 So we just don't think that is a good use of anyone's
22 time, in terms of depositions of inventors, for example. Then
23 in terms of the document production, we will, of course,
24 produce the file history for the patents. That is the
25 intrinsic record. But when you start talking about documents

MlEsBODC

1 that relate to conception and reduction of practice and
2 prosecution, these are all things that are not relevant to
3 claim construction, your Honor. And so we're very focused on
4 claim construction.

5 Really, we are that way, your Honor, because the
6 declaratory judgment complaints had three paragraphs where they
7 are basically arguing, you know, we don't have this element, we
8 don't have this element, we don't have this element. There is
9 a disagreement on that. That disagreement, I think, is going
10 to probably be resolved through the claim construction process.
11 And just in an effort to ease the burden on both the parties
12 and the court, our proposal is to streamline it. We will give
13 them claim charts and then we will go right into Markman just
14 as soon as we can. That is our proposal.

15 I would just add, your Honor, that to the extent your
16 Honor wants a full schedule right now with dates all the way
17 out, I know we're going to talk about the form, your Honor. We
18 had put in TBD, to be determined, on all of those dates. In
19 general, we think the dates that are proposed in that schedule
20 are too long. This is a simple patent case. You can read the
21 claims. You can look at the patent. It is not complicated.
22 It is not biotechnology. It's not, you know, super computers.
23 It is pretty simple.

24 The products are publicly available products. They
25 are out there. And so in terms of a patent case, this is

MlEsBODC

1 really the kind of patent case that can be done quite
2 expeditiously. I think that would be beneficial for the
3 parties as well.

4 THE COURT: Thank you.

5 Counsel, I'm looking at the chart that the parties
6 gave me.

7 Counsel for Mayborn, can I just ask your views about
8 the first couple of entries there with your disclosure
9 deadlines for asserted claims and validity contentions. That
10 seems to be a place where it looks as though you have some
11 differences of opinion with plaintiffs' counsel.

12 What can you tell me about your proposals for each of
13 those disclosure deadlines?

14 MR. GOETZ: Yes, your Honor. John Goetz on behalf
15 Mayborn parties.

16 Really, those dates we were proposing in terms of the
17 Local Rule 6 and 7. We were proposing to do those after the
18 claim construction ruling. Really, as I mentioned, we are
19 going to give them our initial charts of our infringement reads
20 before that, which will give them what they say they need for
21 claim construction.

22 So, really, this was just to say that, you know, after
23 the claim construction ruling, we would do that, finalize the
24 contentions in light of the claim construction ruling, and then
25 get their invalidity contentions. So that's what that is all

MlEsBODC

1 about. Really, that is just the artifact of the fact that we
2 want to get to the claim construction process just as soon as
3 we can.

4 As you can see, our first date there is February 4,
5 just in three weeks.

6 THE COURT: Thank you.

7 Counsel for defendant, this is brought as a
8 declaratory judgment action. Just focusing on the first issue,
9 the disclosure of the asserted claims and infringement
10 contentions with claim charts, they are proposing that those be
11 disclosed end of February.

12 What is it that you need to know from me on claim
13 construction in order to put together your asserted claims and
14 infringement contentions?

15 MR. GOETZ: We don't need anything on that to do that
16 initially, Judge. We are going to do that.

17 Again, so our proposed dates of 45 days after the
18 claim construction ruling would really just be an update to
19 what I'm proposing we would do beforehand. Giving them what
20 they need for the claim construction process, to update any
21 contentions based on your Honor's construction. That was the
22 thinking there.

23 THE COURT: Thank you.

24 So, in other words, a proposal that there be some
25 update to these after claim construction. Is the same true for

MlEsBODC

1 the invalidity contentions?

2 MR. GOETZ: No, your Honor. Our proposal was that we
3 would give them the claim charts beforehand. We would not
4 require invalidity contentions from them beforehand. And we
5 would go right into Markman proceedings starting in three
6 weeks.

7 So that was our proposal in an effort just to expedite
8 the claim construction process and to sort of ease the burden
9 on all parties. So that is why, for them, on the local rule
10 seven, I put that after the claim construction ruling, just
11 because that was sort of typical timing of the invalidity
12 contentions.

13 But I have to say, if your Honor is interested in
14 that, I mean, we, of course, don't have any objection to them
15 serving invalidity contentions before Markman. We don't have
16 any objection to that at all. Our concern really was to try to
17 clear everything as much as we could sort of out of the wait so
18 we could get right to the Markman process. That was our
19 intention, your Honor.

20 THE COURT: Thank you. Understood.

21 Counsel for plaintiff, let me turn to you. One area
22 of variance between the parties' positions, as I understand it,
23 I'll call it when the parties should be doing fact discovery.
24 Defendants are suggesting that that happen after claim
25 construction.

MlEsBODC

1 First, why do you think it should happen, when you
2 believe it should happen, and how do you respond to defendant's
3 argument?

4 MS. BOOKBINDER: Sure. This is Julie Bookbinder.

5 All of defendants' arguments regarding pre-Markman
6 discovery really go to a different issue, which would be the
7 weight of the evidence and whether and how much the court
8 considers, for example, inventor testimony. I've heard no
9 basis for why we shouldn't have the opportunity to take the
10 discovery. In fact, they have every interest in preventing us
11 from taking the discovery because it is information that is
12 solely within their possession that could be harmful to
13 Nanobebe's case, also could be harmful to Mayborn's case.

14 So by preventing us from taking the discovery, we
15 cannot uncover the truth of what the inventors contemplated
16 when filing these patent applications, when making the alleged
17 invention, and we won't be able to show whether Mayborn is
18 taking contradictory position now as compared to what the
19 contemporaneous documents would show.

20 If I could also just respond briefly with respect to
21 the infringement claim charts. Counsel did provide charts in
22 October. His client had previously provided our client with a
23 slightly different version in August. What we haven't gotten
24 is a commitment that those are the only asserted claims and
25 those are the only accused products. We don't know that, and

MlEsBODC

1 we haven't gotten a commitment that that existing chart is
2 their final current position, let alone what is happening with
3 the new patent.

4 We have very serious concerns about sort of an
5 informal providing of information to be updated after claim
6 construction when potentially all of the arguments could change
7 and would actually make the claim construction process
8 potentially inefficient if the argument changed substantially
9 later.

10 THE COURT: Very good. Thank you very much.

11 Counsel, anything else that either of you would like
12 to share with respect to this slate of issues.

13 First, counsel for plaintiff?

14 MS. BOOKBINDER: No, your Honor. I think we've
15 covered it. Thank you.

16 THE COURT: Thank you.

17 Counsel for defendant?

18 MR. GOETZ: John Goetz, your Honor. Nothing further
19 on this. Thank you.

20 THE COURT: Good. Thank you.

21 So just assuming that the court were to proceed and
22 permit discovery, some discovery here, prior to claim
23 construction.

24 Let me just talk about second steps because the
25 proposed case management plan and scheduling order that the

MlEsBODC

1 parties have proposed in both cases suggests that I'll call it
2 plenary discovery run from the date of any decision on claim
3 construction. I think that's a fair comment. Principal
4 question that I'm left with as a result is there is much value
5 for us to talk about whether or not the dates that are proposed
6 here by plaintiff are meaningful.

7 In other words, if we have enough information to
8 assess whether or not these are the right dates or instead
9 really only have that information or have a better sense of
10 that information after the claim construction decision, the
11 question is asked, just the thought in mind of whether or not I
12 should put in notional dates based on what we know now and a
13 conversation about what we expect based on what we know now, or
14 instead these are things to be discussed as counsel for
15 defendant I think suggests at a subsequent conference following
16 the claim construction ruling.

17 Let me turn to you, counsel for plaintiff. What do
18 you think?

19 MS. BOOKBINDER: We are fine with having a discussion
20 after the claim construction ruling in terms of how to proceed
21 on the remainder of fact and expert discovery and motions and
22 so forth. If the court is inclined to enter a schedule now
23 just for this kind of earlier subset of discovery and Markman,
24 we would be fine with that.

25 THE COURT: Thank you.

MlEsBODC

1 The one place where there is some variance is the
2 parties' initial disclosures under Rule 26(a)(1) that I assume,
3 counsel for plaintiff, you would want the parties to complete
4 timely were I to adopt your proposal. When I say timely, I
5 mean within some short window after entry of the order. Is
6 that right?

7 MS. BOOKBINDER: Yes, that's correct.

8 THE COURT: Very good.

9 Counsel for defendant, anything from you on this
10 topic?

11 MR. GOETZ: Only to say that I think a scheduling
12 conference sort of after the Markman decision comes down makes
13 a lot of sense, and if your Honor were happy doing this, the
14 disclosures, too. We urge that we continue to try to get an
15 expedited Markman and try to proceed towards that Markman
16 decision as quickly as we can.

17 Thank you, your Honor.

18 THE COURT: Bear with me just one moment, counsel.
19 I'll be back with you in about two minutes.

20 Bear with me a couple minutes.

21 MR. GOETZ: OK.

22 (Pause)

23 Thank you. I apologize for the short break. I'm back
24 on the line after about a minute.

25 So, counsel, thank you very much for your comments and

MlEsBODC

1 your arguments. I very much appreciate the thought that both
2 sides put into this. I'm going to embrace the proposal for
3 counsel for plaintiff here. I think that it's appropriate. I
4 think that we'll move promptly to claim construction.

5 I think it will be helpful for the parties to have
6 clarity about what it is that are the subjects of the dispute
7 as we move into that process with some high degree of certainty
8 rather than potentially shooting at the wrong targets.

9 I accept the proposition that some amount of what I
10 understand will likely be targeted discovery is and can be
11 appropriate in these circumstances. The parties had a
12 discovery conference, as a result you're entitled to take
13 discovery, lest I stay it now. I'm not doing that because I
14 don't think that there is good cause to do so.

15 Counsel for plaintiff has made a compelling case for
16 why it is that some limited discovery will be appropriate in
17 the early stage of the case. That information may be helpful
18 as the parties develop the respective conditions in connection
19 with the Markman. They, of course, may also be helpful as the
20 parties work together to attempt to reach any potential
21 amicable resolution of dispute.

22 So I expect to endorse an order that substantially
23 adopts the proposal by counsel for plaintiffs with respect to
24 the deadlines for materials that are treated in the chart,
25 which I alluded to earlier. I'll enter a case management plan

MlEsBODC

1 and scheduling order that provides a deadline for Rule 26(a)
2 disclosures, but will essentially include TBD for the remainder
3 of the deadlines. That simply means that the parties have open
4 court to conduct discovery.

5 I ask that you meet and confer, and my expectation is
6 that the parties be focused on issues at the outset pertaining
7 to this initial set of briefs that will be submitted to the
8 court. But I'm not putting up specific subject matter
9 constraints on the scope of discovery that is permitted now.
10 My hope is the parties will be mindful of the fact that we will
11 reconvene after the claim construction decision to establish a
12 party of time for the parties to complete discovery. Both sets
13 of counsel are sophisticated, knowledgeable, and I trust you'll
14 be able to work through reasonable procedures.

15 The one thing I would like to particularly encourage
16 you to do is the following. I expect to set deadlines for the
17 claim construction hearing, motion rather, I should say, in my
18 order. I would like the parties to meet and confer in advance
19 of that motion. I'm going to order as a vehicle to ensure that
20 you've done so that premotion conference request letter be
21 filed in connection with the anticipated motion. It's not so
22 much because I need to provide you leave to file your motions.
23 I would expect that you will, but because that is a vehicle for
24 you to let me know where you are with respect to the motions
25 and also to encourage you to talk about where you are and what

MlEsBODC

1 needs to be done with respect to them in advance of their
2 submissions.

3 The particular thing that I want you to consider well
4 in advance of that is the extent to which either party believes
5 that it will be providing or taking expert testimony in
6 connection with this early round of briefing. Again, because
7 both sides are sophisticated, you're aware of, I'll call it,
8 the staging issues involved in that, and I'll ask you to try to
9 work through any issues in the first instance. But in the
10 event that you have any concerns, you should bring it to my
11 attention, that is, concerns you'll be able to complete any
12 necessary work to support your briefing in respect of this
13 first set of motion practice.

14 If you're unable to resolve any issues, I hope that
15 you will air them with me as early as possible so I can help
16 you put a structure in place. I think that's the principal set
17 of issues that we could address today with respect to
18 scheduling matters.

19 I would like to talk briefly now about whether there
20 is anything I can do at this point that would help the parties
21 resolve the case. I know you've been talking. We have a great
22 mediation program here. We also have the assistance of our
23 excellent magistrate judges.

24 Is there anything I can do at this point, counsel,
25 that might help the parties to reach an amicable resolution of

MlEsBODC

1 the case?

2 Let me start with you, counsel for plaintiff.

3 MS. BOOKBINDER: The parties jointly have proposed
4 participating in the district mediation program. I think a
5 referral to the program once we are in the exchange of
6 contentions and claim construction discovery process would be
7 helpful.

8 THE COURT: Very good. I'm happy to enter that order.
9 I hope to do that later today or tomorrow. You can work with
10 the office to schedule a date. It sounds as though the time is
11 not now or soon for you to work with them. I'll enter the
12 order sooner so that you can work to establish a mediation date
13 that you think is appropriate.

14 Very good. Anything else that we need to talk about
15 during this conference, first counsel for plaintiff?

16 MS. BOOKBINDER: Nothing further from the plaintiff,
17 your Honor. Thank you.

18 THE COURT: Thank you.

19 Counsel for defendant?

20 MR. GOETZ: Yes, your Honor.

21 Just one point of clarification on the sort of the
22 getting back to your Honor.

23 Do I understand correctly that we will be ordered to
24 meet and confer on further details of a schedule that is
25 generally in line with what the plaintiff has proposed in the

MlEsBODC

1 near term, like next week, and then get back to you.

2 THE COURT: Thank you. Yes. Thank you. Yes,
3 effectively.

4 MR. GOETZ: I understand.

5 THE COURT: My hope was that the parties could develop
6 a structure that you could both agree to and adhere to without
7 the need for court order or sanction.

8 I'm happy to order anything that the parties agree to
9 to give it the extra impetus of judicial order. I'm also happy
10 to resolve any disputes that you may have.

11 Yes, I think you should meet and confer to make sure
12 that you have a clear process in place to ensure that this
13 preliminary round of discovery and all aspects of it will be
14 completely timely so that the fruits of it can be included in
15 the motions according to the schedule that I've expected to
16 lay out in the order.

17 MR. GOETZ: Very good. Thank you, your Honor.

18 THE COURT: Thank you. Good. Thank you all.

19 Again, apologize for the late start. This proceeding
20 is adjourned.

21 (Adjourned)
22
23
24
25