IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WEBROOT, INC., AND OPEN TEXT, INC.,	)	Case No. 6:22-CV-243-ADA-DTG
Plaintiffs,	)	
v.	)	
AO KASPERSKY LABORATORY, *et al.*,	)	
Defendant.	)	Friday, December 9, 2022 2:00 P.M.

TRANSCRIPT OF MOTIONS HEARING
BEFORE THE HONORABLE DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE

APPEARANCES ON NEXT PAGE.

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WITNESSES				
FOR THE GOVERNMENT:				
(None)				
FOR THE DEFENDANT:				
(None)				

EXHIBITS:	ID	EVD
FOR THE GOVERNMENT:		
(None)		
FOR THE DEFENDANT:		
(None)		

1 And I'll also point out on the patents that are
2 asserted against Forcepoint with respect to venue, they don't
3 identify any venue discovery that they didn't get. I think it's
4 telling they don't say a single thing. And the practical reality
5 is Forcepoint says you're accusing the same products. Okay,
6 well, for venue, that means it would be the same.
7 And then the two patents, '243 and '932, well, they
8 have one inventor and he's located in Colorado. So it wouldn't
9 have helped them. They don't identify anything, so this venue
10 discovery is just a -- you know, they had the chance, they could
11 have, they just chose not to. And it doesn't make any difference
12 to their venue motion.
13 So with that, I'm happy to answer any other questions
14 the Court may have.
15 THE COURT: Has the -- have infringement contentions
16 been served in support of these patents that you seek to add?
17 MR. MILLS: Yes, Your Honor.
18 We prepared, understanding the way the case schedule
19 existed, there was an October 25th deadline for serving
20 infringement contentions. And so we prepared and served on that
21 day infringement contentions not just on the patents that were
22 already in the case. And, you know, for CrowdStrike and Trend
23 Micro, we prepared infringement contentions and served them on
24 every one of the defendants on October 25th.
25 THE COURT: Okay. Let me go off the record just

1 briefly.
2 (Recess at 3:16 p.m./Reconvened at 3:19 p.m.)
3 THE COURT: Okay. We're back on the record.
4 At this point I'm going to grant plaintiffs' motions to
5 amend and add these additional patents. Noting as Mr. Ravel did
6 that this makes this a phenomenal case that I'm hoping one day
7 maybe people will write songs about because it is about as
8 complicated as you're going to get with patent cases.
9 I'm going to grant the leave to amend and primarily for
10 my review of both the chart that was submitted back in October
11 and the schedule that it did contemplate the addition amendments
12 and addition of patents to the case.
13 I will in addition of granting the motions for leave to
14 file the amended complaints, I will order the parties to meet and
15 confer on desired modifications to the schedule. And if you can
16 get, let's say I'll give you one week to submit -- do you think
17 that will be enough time for everybody to visit and submit a
18 proposed modification to the schedule?
19 As you can probably anticipate from the comments during
20 the hearing that I'll be amenable to it. As the parties know,
21 most things can be or most prejudice can be alleviated by
22 granting more time to address things. So I'm definitely amenable
23 to adjusting the schedule.
24 And to the extent that it can be adjusted in such a way
25 that Kaspersky would line up with everybody else, that would not

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1 be a bad thing either.
2 So with those thoughts in mind, that's what I'm going
3 to do. And let me ask, will ask the parties -- I would think you
4 could meet and confer and submit any requested revisions to the
5 schedule within one week of today, but if for some reason or
6 another you think it might take a little more time, let me know.
7 Let me see, I'll start with Ms. Li, you're in the top
8 right of my screen so I'll just start with you and work across.
9 But do you think seven weeks is -- I mean seven days, excuse me,
10 is sufficient or do you -- would you think you'd need a little
11 more time?
12 MS. LI: Thank you, Your Honor.
13 I think we can strive for seven days, but with your
14 permission, if we get to Thursday just because we have to
15 coordinate between all of us and we find we need a little more
16 time, we can notify the Court. But we'll strive for next Friday.
17 THE COURT: Okay, that sounds good.
18 Mr. Chadwick?
19 MR. CHADWICK: That sounds good, Your Honor. I think
20 we can make that work.
21 THE COURT: Okay. Mr. Mills or Mr. Siegmund?
22 MR. MILLS: Yes, Your Honor.
23 MR. SIEGMUND: Yes, Your Honor.
24 MR. MILLS: We can do it in a week.
25 THE COURT: All right. Ms. Dominguez or Mr. Ravel?