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

3 THETA IP, LLC *
* March 26, 2024
4 VS. *
* CIVIL ACTION NO. 6:23-CV-314
5 APPLE INC. *

6 BEFORE THE HONORABLE ALAN D ALBRIGHT
MARKMAN HEARING (via Zoom)
7
APPEARANCES:
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24 Proceedings recorded by mechanical stenography,

11:02 25 transcript produced by computer-aided transcription.

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11:02 1 (Hearing begins.)

11:02 2 DEPUTY CLERK: A civil action in Case

11:02 3 6:23-CV-314, Theta IP LLC versus Apple Incorporated.

11:02 4 Case called for a Markman hearing.

11:02 5 THE COURT: Announcements from counsel

11:02 6 starting with plaintiff, please.

11:02 7 MR. JOHANNINGMEIER: Yes. This is Corey

11:02 8 Johanningmeier for Theta. And with me is Russ Horton

11:02 9 and my client representative, Demetris Paraskevopoulos.

11:02 10 THE COURT: Welcome all.

11:02 11 MR. HORTON: Morning, Your Honor.

11:02 12 MR. UNDERWOOD: Good morning, Your Honor.

11:02 13 Travis Underwood for Apple. With me is Eamonn Gardner,

11:03 14 Patrick Lauppe, and Priya Viswanath. We also have I

11:03 15 believe three client reps on the line: Chris Han,

11:03 16 Aaron Huang, and Stepan Starchenko. And we're ready to

11:03 17 proceed.

11:03 18 THE COURT: There's no rest for the

11:03 19 weary. I had Ms. Amstutz in a hearing two minutes ago

11:03 20 and then I have you. You guys ought to get a week off

11:03 21 after being in trial.

11:03 22 MR. UNDERWOOD: We don't, Your Honor. I

11:03 23 imagine you're probably tiring of us at this point.

11:03 24 THE COURT: No, no, no. Couldn't be

11:03 25 happier.

11:03 1 So let me pull up the claim terms.
11:03 2 Oh, also, we are going to -- this is
11:03 3 probably for Apple's benefit as well. We -- I'm orally
11:03 4 denying the motion to transfer, and we will get an
11:03 5 order out in the very near future. So...
11:04 6 MR. GARDNER: Your Honor, this is Eamonn
11:04 7 Gardner on behalf of Apple.
8 THE COURT: Yes.
11:04 9 MR. GARDNER: And we understand and thank
11:04 10 you for providing some guidance on when we'll receive a
11:04 11 written order. And we understand that the Court's
11:04 12 going to deny that motion.
11:04 13 For purposes of the Markman hearing
11:04 14 today, you know, we obviously respect that there's a
11:04 15 number of people that are already on the line, and
11:04 16 given the limited number of issues that we think need
11:04 17 to be addressed during today's Markman, Apple's willing
11:04 18 to proceed forward.
11:04 19 We would just like to note for the record
11:04 20 that we believe a written order on the transfer issues
11:04 21 is proper prior to proceeding forward with the Markman.
11:04 22 And we just want to be clear that our sort of
11:04 23 willingness to proceed forward today with it is without
11:04 24 prejudice to positions for other cases.
11:04 25 THE COURT: Why don't we just -- I'll

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11:04 1 tell you what. We're just going to go ahead and break
11:04 2 the hearing and we will get you a written order.
11:05 3 You guys have a good day. Take care.
11:05 4 (Hearing adjourned.)
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1 UNITED STATES DISTRICT COURT)
2 WESTERN DISTRICT OF TEXAS)
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4
5 I, Kristie M. Davis, Official Court
6 Reporter for the United States District Court, Western
7 District of Texas, do certify that the foregoing is a
8 correct transcript from the record of proceedings in
9 the above-entitled matter.
10 I certify that the transcript fees and
11 format comply with those prescribed by the Court and
12 Judicial Conference of the United States.
13 Certified to by me this 28th day of March
14 2024.
15
16 /s/ Kristie M. Davis
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