1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
2 SHERMAN DIVISION

3 OPTIMUM IMAGING TECHNOLOGIES LLC	
4 VS.	DOCKET 4:23-CV-922
5 FUJIFILM CORPORATION	
6 OPTIMUM IMAGING TECHNOLOGIES LLC	
7 VS.	DOCKET 4:23-CV-923
8 NIKON CORPORATION	
9 OPTIMUM IMAGING TECHNOLOGIES LLC	
10 VS.	DOCKET 4:23-CV-924
11 OLYMPUS CORPORATION, ET AL	
12 OPTIMUM IMAGING TECHNOLOGIES LLC	
13 VS.	DOCKET 4:23-CV-927
14 SAMSUNG ELECTRONICS CO., LTD.	
15 OPTIMUM IMAGING TECHNOLOGIES LLC	
16 VS.	DOCKET 4:23-CV-928
17 SONY CORPORATION	

18 VOLUME 1 OF 1, PAGES 1 THROUGH 26

19 REPORTER'S TRANSCRIPT OF TELEPHONE CONFERENCE
SEPTEMBER 19, 2024, 10:07 A.M., SHERMAN, TEXAS

20 BEFORE THE HONORABLE AMOS L. MAZZANT, III,
UNITED STATES DISTRICT JUDGE

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24

25

1 APPEARANCES:

2 FOR THE PLAINTIFF: ROBERT M. HARKINS, JR.
CHERIAN LLP
3 2001 ADDISON STREET, SUITE 275
BERKELEY, CA 94704
4
JAMES MICHAEL WOODS
5 CHERIAN LLP
1901 L STREET NW, SUITE 700
6 WASHINGTON, DC 20036

7 ROGER D. SANDERS
SANDERS, MOTLEY, YOUNG & GALLARDO
8 111 SOUTH TRAVIS STREET
SHERMAN, TX 75090
9
ELVIN E. SMITH, III
10 SIEBMAN LAW - SHERMAN
300 NORTH TRAVIS STREET
11 SHERMAN, TX 75090-0070

12 MONICA LITLE GOFF
CARTER ARNETT BENNETT & PEREZ PLLC
13 8150 N. CENTRAL EXPRESSWAY
SUITE 500
14 DALLAS, TX 7520

15

16 FOR THE DEFENDANT FUJIFILM CORPORATION:

17 ERIC H. FINDLAY
FINDLAY CRAFT PC
18 102 N. COLLEGE AVENUE, SUITE 900
TYLER, TX 75702
19

20
FOR THE DEFENDANT NIKON CORPORATION:
21
MARC S. BLACKMAN
22 JONES DAY - CHICAGO
110 NORTH WACKER DRIVE, SUITE 4800
23 CHICAGO, IL 60601-1692

24 KEITH BRYAN DAVIS
JONES DAY - DALLAS
25 2727 NORTH HARWOOD STREET, STE 600
DALLAS, TX 75201-1515

1 FOR THE DEFENDANTS OLYMPUS CORPORATION, ET AL:

2 AMANDA S. WILLIAMSON
MORGAN, LEWIS & BOCKIUS LLP
3 110 NORTH WACKER DRIVE, SUITE 500
CHICAGO, IL 60606
4

5 FOR THE DEFENDANT SAMSUNG ELECTRONICS:

6 ANDREW THOMPSON (TOM) GORHAM
GILLAM & SMITH, LLP
7 102 NORTH COLLEGE, SUITE 800
TYLER, TX 75702
8
MELISSA RICHARDS SMITH
9 GILLAM & SMITH, LLP
303 SOUTH WASHINGTON AVENUE
10 MARSHALL, TX 75670

11

12 FOR THE DEFENDANT SONY CORPORATION:

13 MICHAEL RADER
WOLF, GREENFIELD & SACKS, P.C.
14 605 THIRD AVENUE
NEW YORK, NY 10158
15

16
COURT REPORTER: CHRISTINA L. BICKHAM, CRR, RDR
17 FEDERAL OFFICIAL REPORTER
101 EAST PECAN
18 SHERMAN, TX 75090

19

20

21

22

23

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1 (Open court, all parties present via telephone.)
2 THE COURT: Good morning. This is Judge Mazzant,
3 and we're here, well, in a series of cases with Optimum
4 Imaging Technologies, and the various cause numbers are
5 4:23-922, 923, 924, 927, and 928.
6 You've already made your appearances for the
7 record. Just identify yourself every time you speak so we
8 can get a good record.
9 I just went ahead and had this via telephone
10 because there were a number of discovery disputes that I
11 noticed that I thought we could address and just help move
12 the case along. The first one I noticed was the issue
13 regarding the deposition of Neal Solomon in terms of the
14 time.
15 So who would like to speak first on this matter?
16 MR. HARKINS: Thank you, your Honor. This is Bob
17 Harkins for Plaintiff Optimum Imaging Technologies.
18 So what we've tried to do on our side is, you
19 know, apply a rule of reason here, and we think that there
20 is not enough to talk about with Mr. Solomon and that the
21 default rules should apply. If there is good cause after
22 the deposition to request more time, then defendants are
23 certainly able to do so, but we don't understand why we
24 would predesignate that he be deposed for three days.
25 There's -- he's just -- he is an inventor who invented this

1 technology many, many years ago and is not somebody who has
2 a lot of information about, you know, the defendants or
3 what they do. That's -- he is leaving that analysis to
4 other folks. And so we just would like to have the default
5 rule apply, and if there is good cause, then we can revisit
6 it.
7 THE COURT: Okay. Who would like to respond? Is
8 there one person going to respond on behalf of defendants
9 or --
10 MR. RADER: Your Honor, this is Michael Rader on
11 behalf of Sony. I think I've been nominated on behalf of
12 defendants --
13 THE COURT: Well, congratulations.
14 MR. RADER: -- unless someone else pipes up, but
15 thank you, your Honor.
16 I'll be brief. So Neal Solomon, first of all, is
17 the sole inventor on all of the asserted patents. Our
18 understanding is that he's also the principal and probably
19 the sole principal of the plaintiff and, as such, there is
20 quite a bit that the defendants will need to ask him about.
21 Given that we're going to have at least five
22 separate trials, you know, each lawyer may have his or her
23 own approach to the things that they want to cover with
24 this witness, and there are also some fairly significant
25 inequitable conduct issues that you may have seen in some

1 of the answers as well. So there's a lot of material to
2 cover, a lot of different lawyers who would need to cover
3 it, and different lawyers may prepare in different ways to
4 cross-examine this witness at trial.
5 So seven hours for, you know, the lawyers
6 representing five defendants didn't seem reasonable to us.
7 The proposal from plaintiff was, well, if we showed good
8 cause, we could extend that. We feel that there is already
9 good cause, just based on everything I just said.
10 And we were trying to be reasonable not to suggest
11 that, you know, every defendant was, you know, going to
12 shoot for the moon and question this witness for seven
13 hours of deposition. We're not suggesting that. We will
14 certainly be as efficient as we can, but we just thought
15 that three days as kind of a presumptive maximum would be
16 reasonable and if we can do it in less than that, we
17 certainly will.
18 THE COURT: Okay. So just -- I'll give you my
19 just general thoughts, is that if I give more time, I have
20 found lawyers will take whatever time you would get.
21 That's why I do timed trials now, because if I don't have a
22 time limit, lawyers will go on and use it all -- or, you
23 know, go forever.
24 So what I would suggest is we'll leave it at seven
25 hours, but I'll be liberal based on, you know, if we need

1 to give more time and have a second day or -- what I would
2 suggest you do is when you schedule the deposition, notify
3 my chambers of when that date is. And then let's say you
4 get to Hour 6 and you're not going to be able to finish,
5 then just you can call in and we'll have a telephone call
6 if you -- if the parties can't resolve that, yes, how much
7 more time is necessary.
8 So I would say that I would be inclined, with this
9 many defendants, to probably give a little more time, but
10 how much more, I don't know. Let's try to strive to do it
11 within the time limit given. I know there is a
12 disagreement about how much he knows or doesn't know. But
13 if you'll let the Court know, then I can mark it on my
14 calendar to make sure I might be available to resolve it
15 that day so that it doesn't become something we have to
16 deal -- just to be as efficient as possible.
17 So we'll leave it where it is now, but I'll make
18 myself available to hear arguments on why I should extend
19 it and we'll see where we're at once you guys hit Hour 5 or
20 6 of that deposition.
21 The, I think, second issue also dealing with, you
22 know, deposition hours, dealing with expert depositions,
23 which I think the dispute is -- I think the dispute is one
24 side wants just three hours per defendant versus seven or
25 maybe five, but go ahead. Whoever wants to speak on that

1 matter, let's go ahead and --
2 MR. HARKINS: Thank you, your Honor. This is Bob
3 Harkins again.
4 I think that you said it right with the last
5 statement you said, which is that both parties agree that
6 if there is a report that is going to cover more than one
7 defendant group, then additional time is justified. We
8 were, again, just trying to apply the rule of reason, which
9 is an additional, like, three hours per defendant in that
10 event makes sense. That would -- there are six defendants.
11 That's 18 hours of deposition already. Whereas, six
12 defendants for -- is, you know, 30 hours for five extra
13 defendants would be another 25 hours on top of the
14 deposition day. That puts the expert in deposition
15 basically a whole week.
16 And so we -- we proposed one that we believe gives
17 them plenty of time, basically get essentially three days
18 of deposition to discuss with -- the infringement reports
19 if our expert is using the report against -- you know, for
20 all the defendants.
21 THE COURT: Okay. Who is going to respond?
22 MR. RADER: Thank you, your Honor. It's Mike
23 Rader again for Sony.
24 So, yeah, we're not that far apart. Plaintiff is
25 offering three hours per defendant. We're asking for five

1 hours per defendant.
2 I guess one way to think of it is if some of the
3 parties settle, let's say you have two defendants and an
4 expert provides an infringement or damages report for two
5 defendants, then under the approach the plaintiff has
6 outlined, the two defendants collectively could depose that
7 expert for six hours, which is not even what they would get
8 if they were alone in the case.
9 So that number just didn't seem to make a lot of
10 sense to us. Again, we'll be as efficient as we can, but
11 we think particularly with an infringement report or also a
12 damages report, while there will be some overlap, I mean,
13 all of these defendants have their own products, so the
14 infringement analysis and certainly the damages analysis is
15 going to be mostly nonoverlapping.
16 And so, you know, while we aren't going to go so
17 far as to ask for a full seven hours given that there is
18 some overlap, you know, three hours just didn't seem like a
19 reasonable amount of time to give a defendant to depose an
20 expert on infringement or damages in a significant patent
21 case. So we think five hours is fair.
22 THE COURT: Well, this may not shock anybody, but
23 I'm just going to split the baby and say four hours so --
24 and if additional time is necessary, we certainly can deal
25 with that later, but just -- I'll just put it right in the

1 middle of what y'all had agreed to.
2 If -- one thing you don't know about me yet is I
3 put a high premium on parties cooperating, working things
4 out. And that's why I don't have any standing orders,
5 really, is because I'm open to change and doing things
6 differently if both sides agree. So I'll give you four
7 hours.
8 The next issue was there were a few differences in
9 scheduling. And the one thing I just wanted to point out
10 before I call upon anyone to say anything is the issue
11 regarding the model rule. That isn't optional; that
12 actually applies to all of our patent cases from that order
13 entered by Judge Davis all those years ago. So unless the
14 parties agree to something different, that is what the
15 Court expects and follows in its cases.
16 It seemed like there was a disagreement about
17 doing that. I went ahead and had my staff calculate those
18 dates, which was close to the defendants' proposed dates as
19 to the model rule. But I just give you that as that
20 backdrop. There was nothing in the materials indicating
21 why the Court should deviate from its standard practice.
22 But who would like to talk on scheduling dates?
23 MR. HARKINS: Your Honor, again it's Bob Harkins.
24 If that's the -- maybe there is something we misunderstood
25 about the model rule. If the Court's standing methodology

1 is to apply the model rule -- it wasn't the specific dates
2 that were at issue. I think it was -- we do have some -- I
3 guess my only question about this is it may be that if we
4 could have a little bit more time to do this.
5 One of the issues is the first date about reducing
6 the claim set to 32 claims is 125 days after this
7 conference. You know, we do have six defendants and -- or
8 at least five that are in this case right now. The sixth
9 one is apparently in the process of being transferred out
10 to join the others but isn't here yet. And so we'd like to
11 have a little bit more time than that to, you know, meet
12 the requirements of the rule.
13 THE COURT: Well, I certainly don't have any
14 problem with, you know, adjusting that in some way. That
15 is not the problem. It's just -- I just wanted to make
16 clear that, you know, the Court typically just does follow
17 that. And I think that applies to all of our cases in the
18 Eastern District unless somehow we deviate from that and --
19 and to be candid, I don't know that I've had very many
20 disputes ever on this issue. I think everyone just follows
21 that General Order.
22 But if you want some additional time, I don't
23 know if that's something that all the sides want to discuss
24 that to see, knowing the direction of where I am at
25 generally, and then do you want to see about adjusting them

1 somehow? I don't have any problem with that.
2 MR. HARKINS: This is Bob Harkins again.
3 We would be glad to have a conversation with the
4 defense group about those specific dates. I think we were
5 unaware that this was going to be applied as a matter, so
6 we didn't have a follow-up conversation about the
7 particulars. So we understand that's going to happen, and
8 we would be glad to have that conversation.
9 THE COURT: Okay. So what will probably happen,
10 though, is I probably will enter the scheduling order but
11 that can be a modification done later, just so I don't
12 leave it sitting out there as a loose end. But then just
13 either file something jointly or send an email to my
14 judicial assistant if you all are in agreement on modifying
15 those dates. If after y'all meet and confer you cannot
16 agree on the modification, then just reach out again and
17 we'll have a telephone conference to resolve that.
18 And then the other issue I saw was the issue about
19 translation of -- for Chinese documents -- not Chinese,
20 Japanese. I'm sorry.
21 MR. HARKINS: Your Honor, this is Bob Harkins
22 again.
23 Actually, if I could -- before we leave the
24 schedule, there was one, I think, nonopposed issue about
25 the schedule, which is the pretrial conference date that we

1 currently have from your Honor is October 29th. We have a
2 copyright trial in San Francisco that I'm lead counsel of
3 that starts on October 27th, and it will be about two
4 weeks. So we were hoping that we could find a date that's
5 amenable to your Honor that would be, you know, basically
6 at least three weeks out from the current October date for
7 the pretrial conference.
8 THE COURT: So here's what I would say on that, is
9 that typically for patent cases I ultimately eventually
10 specially set it when we know it's going to go to trial, so
11 the pretrial conference is just a placeholder really.
12 So what I would suggest is as we get closer to
13 that date and we have cases still going and proceeding to
14 trial, I would ask the attorneys to reach out to my
15 judicial assistant to find a firm trial date. And we can
16 do it before that, long before that, but it's just because
17 my trial schedule is -- it backs up.
18 MR. HARKINS: Understood, your Honor.
19 THE COURT: That is just a placeholder, so do not
20 worry about that. We can -- because eventually, if any of
21 the cases are going to go to trial, we will specially set
22 those. But I do ask the parties to initiate that. If the
23 case looks like it's going to go to trial, then let's get
24 everyone on the same page and find dates for the trial, or
25 trials, if there's more than one.

1 So I'll probably leave the date in there that we
2 proposed, but I think I've made it clear it's just a
3 placeholder.
4 MR. HARKINS: Thank you, your Honor.
5 THE COURT: I always specially set all my patent
6 trials so -- and there are certain other categories, too,
7 that I specially set. In all my other docket, we have the
8 pretrial conference and we set the trial date at that
9 pretrial conference. Usually it's sometime during a
10 window.
11 Okay. Are we ready to go to the issue of the
12 Japanese documents?
13 MR. HARKINS: Your Honor, on that, we've had
14 further conversations on the plaintiff's side -- this is
15 Bob Harkins again -- and we are willing to forego the
16 request for Google Translate except -- and we just wanted
17 to sort of alert your Honor. We've done this in the past
18 where we've -- basically, there are many foreign-language
19 documents in this case, and sometimes other translation
20 tools don't -- they don't give a reasonable enough
21 translation that are embedded in these document repository
22 tools that they have. And so we're okay not having that
23 being in the protective order for now, but we would like to
24 just make a note that sometimes machine translation using
25 Google Translate, we may be coming back and asking for a

1 smaller subset of documents where we just can't understand
2 the documents sufficiently. But we will try to negotiate
3 that with opposing counsel before we take it up with
4 your Honor.
5 So I guess this is one where we are just dropping
6 the request at this point and we don't need to have that in
7 the protective order.
8 THE COURT: Okay. That sounds good.
9 And then were there other things y'all wanted to
10 discuss? Those are the things that jumped out to me in the
11 case management report, but are there other issues that I
12 need to resolve today?
13 MR. HARKINS: Your Honor, this is Bob Harkins.
14 There is one more order, which is the e-discovery
15 order. And I believe there were two issues that -- we've
16 mostly reached agreement, but there were two issues that we
17 had not reached agreement on.
18 And those two issues are, first, in the -- is the
19 matter of how -- if an email is captured with a term under
20 the e-discovery order, we would like to have it so that we
21 get the attachments to that email and, *vice versa*, that
22 they would also get the attachments to email, because
23 sometimes the email will describe what's in the attachment
24 but the attachment won't include the phraseology.
25 And so if there is a survey done, for example,

1 about what they have done internally about -- this is a
2 case about digital cameras and digital video cameras and
3 how you correct images. And if people are talking about
4 how they like picture quality in the camera, there may
5 be -- the email may talk about the survey and what it is,
6 but the survey may just have a number of line items and it
7 may be very important to the case but the attachment won't
8 actually use the term.
9 And so we just want to make sure if the email is a
10 hit for the e-discovery, that we also get the attachments.
11 I think defendants oppose that.
12 And then the second issue is the way that we find
13 what's presumptively reasonable. And what we were
14 proposing on that, your Honor, is that we should have at
15 least some hits for every one of the search terms
16 collectively. So if we have at least 100 hits, for
17 example, that would be presumptively reasonable. And if it
18 was more than 20,000 hits, then we'd say that's
19 presumptively unreasonable because there are so many from a
20 single term, and that that was a way that we know that the
21 nine terms that we get or the ten terms that we get
22 actually are relevant.
23 And the defense counterproposal was 1,000 search
24 term hits per custodian is reasonable. And the issue we
25 have with that is you could have nine email search terms

1 that come up with zero hits across the board and one that
2 comes out with at least 1,000 search terms per person and
3 we wouldn't even know. We would just have a report from
4 the other side saying this met the parameters of
5 reasonableness, so we're done and we'll give you some
6 emails.
7 And we think it's important -- the whole point of
8 ten search terms is you get something for the ten search
9 terms. And so we've proposed what we've done in other
10 cases, which is at least 100, no more than 20,000, like a
11 window to be able to make sure that we get something but
12 don't overdo it, and not per custodian. And those are the
13 two issues we have on e-discovery.
14 THE COURT: Who would like to respond?
15 MR. RADER: Sure, your Honor. It's Mike Rader on
16 behalf of Sony. I guess I'll start with the second one.
17 And you might have been better off with our paralegal who
18 knows the ins and outs of this.
19 But the language that they're talking about that's
20 highlighted is referring to the number of hits in
21 particularly email discovery. And, you know, the
22 plaintiff's proposal -- what it would amount to, in our
23 understanding, is that it would be presumptively reasonable
24 to have up to 50,000 hits, you know, times eight
25 custodians. That's 400,000 emails. That's just, you know,

1 really disproportionate to the needs of the case.
2 The way it usually worked, to my understanding --
3 and I'll confess, I don't usually get super involved in
4 this. But my understanding is that we usually do report
5 and negotiate with the opposing party by revealing, you
6 know, how many hits we got on our search with the different
7 terms so that, you know, collectively we can work together
8 cooperatively to tweak the terms, you know, to get a
9 reasonable number of hits. So we wouldn't be hiding the
10 ball in terms of, you know, some terms not getting any hits
11 and other terms getting the hits.
12 Our concern was really about the total volume.
13 You know, we don't want to have to work with, you know,
14 tens or hundreds of thousands of emails in a case like
15 this. We wanted to have some reasonable parameters or even
16 just a general reasonableness that we can come back to
17 your Honor if there is a problem. I mean, I think we would
18 be fine with that, too.
19 THE COURT: So I guess the question is what do
20 y'all want me to decide today on this issue, just to make
21 sure I understand the question you are asking the Court to
22 decide today?
23 MR. RADER: Well, as it's framed in the
24 highlighted portion, you know, there is sort of competing
25 language about how many hits are, quote/unquote,

1 presumptively reasonable. That would be the idea, that you
2 may not get that many hits but if you do, then there is a
3 presumption that that's -- you've done a reasonable search.
4 And we just thought that, you know, 50,000 per custodian
5 was way too high.
6 I mean, speaking for myself alone -- and others
7 can pipe in if they disagree -- what I'm a little bit more
8 accustomed to is just a general reasonableness. We're
9 going to work together on this and, you know, like we would
10 rerun searches. If they have a bunch of terms that don't,
11 you know, turn up anything, you know, we will probably
12 rerun searches, working together to make sure it's a
13 reasonable amount, recognizing that we're going to be doing
14 email discovery.
15 I mean, our preference would be not to do that at
16 all. But if we're going to, we just want to be reasonable.
17 We don't want to have to process and review for privilege
18 and deal with, you know, tens or hundreds of thousands of
19 emails. That seems disproportionate to the needs of the
20 case.
21 THE COURT: Okay.
22 MR. HARKINS: And, your Honor, from plaintiff's
23 side -- this is Bob Harkins again -- we would just say we
24 agree that there is competing language that each side has
25 proposed, and so I think what we're asking you is just

1 to -- you know, to look at the language.
2 Our methodology is -- what Mr. Rader is talking
3 about is we do have an overall cap per custodian, but our
4 focus is per search term. And we think with that -- we've
5 heard on the other side that this is, you know, a
6 significant case, and we agree with that. You know, in
7 these cases having, you know, something in the tens of
8 thousands of emails doesn't sound -- you know, in the past
9 that's what we've certainly encountered. It's not an
10 unreasonable amount if that's what you have from major
11 corporations that are dealing with technology across
12 different groups. That sometimes is what it takes to
13 understand what's going on.
14 But our focus was -- there's no minimum, for
15 example, in defendants' proposal. We say we should get at
16 least a certain number of hits, and we do cap the number of
17 hits. So if your Honor looked at the language and thought,
18 okay, well, 20,000 is too much or, you know, the 50,000 for
19 a person is too much and wants to issue a lower number than
20 that, like, let's say, you know, 10,000 and 20,000 or
21 something at the top level, that certainly would be more
22 along the lines of what we think is reasonable.
23 But we did want to have a presumptive, you know,
24 range of emails per term in the order, and that's mainly
25 what we didn't see in the defendants' proposal. And we

1 don't think it should be limited to a thousand emails per
2 person. Sometimes people get copied on many, many emails,
3 and then they would say that's an unreasonable amount of
4 emails when, in fact, it's not. And so we want to have it
5 per term and have a higher limit per person in the event
6 that -- you know, as a further safeguard, and that's the
7 language we proposed.
8 THE COURT: Okay. Well, unless someone has
9 something else to say, what let me do is on this let me --
10 I have the language in front of me. I just want to study
11 it a little bit, and then I'll decide which way to go on
12 that in terms of the language.
13 Okay. What other -- were there any other issues?
14 Seems like that's everything in terms of in dispute.
15 MR. HARKINS: It was just a matter of if we get an
16 email search hit, do we get the attachment, let's say.
17 THE COURT: No, I understand that. I'll make
18 that --
19 MR. HARKINS: Okay. Thank you, your Honor.
20 THE COURT: And does anybody else -- I don't know
21 if we have a response really on the issue of the
22 attachments.
23 MR. RADER: Sure. This is Mike Rader again.
24 So it wasn't so much an issue of attachments but
25 something in the language called a document family. And

1 document family, as I understand it, can be, for example,
2 sometimes you have a long email string. People keep
3 responding and there may be dozens or hundreds of responses
4 or something, but the -- you know, the relevant thing
5 happens two weeks into the string.
6 So there may be a lot of emails that happened
7 before that, and what they're saying -- I think what the
8 plaintiff's proposal is in that scenario if you get a hit
9 on an email that's, you know, 100 emails into the chain,
10 you need to produce the whole family, including the 99 that
11 came before it that related to other things that are
12 unrelated to that.
13 And what we usually do -- I inquired of my
14 paralegal. My understanding is that what we do is in that
15 situation we treat it just like any other aspect of our
16 document production. So we're looking for responsiveness,
17 you know, to the request, which is pretty broad. And so in
18 a lot of situations, if it's relevant enough and it's
19 responsive, we may produce all 100. But, you know, if
20 there is a bunch of things that are related to something
21 that have nothing to do with this case, then, you know, the
22 first 99 might not necessarily be produced, but that's just
23 something we would exercise our professional judgment on.
24 I think with respect to the attachments, that
25 isn't really an issue from our perspective. I mean, if

1 there is an email that's relevant that has an attachment,
2 we're going to exercise our judgment and most likely,
3 unless there is something I'm not thinking of, they're
4 going to get the attachment. It's really a question of
5 this, quote/unquote, family concept that my paralegals tell
6 me a lot of times we will produce the family, but not
7 always, because it may relate to completely unrelated
8 things that just aren't responsive to the document
9 requests.
10 THE COURT: Okay. Anything else?
11 MR. HARKINS: And, your Honor, he is correct -- he
12 is correct at the language we proposed. But family -- our
13 concern is we don't want a judgment exercised about the
14 attachments. So it may be that a middle ground here is
15 they can use their judgment about families, but we should
16 get the attachment to whatever the email is that actually
17 gets the hit.
18 THE COURT: Okay. That all sounds reasonable, but
19 I'll look at that.
20 What other dispute is there? I didn't see any
21 others.
22 MR. HARKINS: From plaintiff's side, your Honor, I
23 think that covers the issues that we had that we see in
24 dispute.
25 THE COURT: Okay. And then for defendants?

1 Mr. Rader, I guess you're speaking for everybody. Is there
2 any other issues?
3 MR. RADER: Nothing that I'm aware of.
4 THE COURT: And so the only other thing I want to
5 address is the issue of appointing a mediator, and I was
6 considering appointing Wes Hill to mediate it. Of course,
7 he is a patent lawyer that is stopping the practice of --
8 he's not going to be a litigator anymore.
9 Any comments or thoughts about that?
10 MR. HARKINS: Yeah, your Honor, I think, you
11 know -- I didn't -- we didn't realize that that was
12 something the Court was considering. We certainly want
13 to -- we think it's a good idea to have a mediator
14 appointed to the case.
15 I guess from our side, we'd probably like to see
16 if we have a conversation with the defense group and if
17 there is somebody that the group collectively thinks is an
18 appropriate person for that. Mr. Hill has been opposing
19 counsel to me in several cases. I didn't realize he was
20 changing his role here.
21 But if we could have a conversation about it with
22 the defense group and see if there is, you know, kind of a
23 mutually agreed upon person, that's -- or maybe make
24 proposals and then if your Honor decides to do -- you know,
25 appoint whoever you want. We can maybe report back in a

1 week?
2 THE COURT: Yeah. And he is actually, I think,
3 leaving the firm and so -- but, yeah, he is no longer going
4 to be doing litigation. So he is who I would --
5 MS. SMITH: Your Honor -- I apologize, your Honor.
6 This is Melissa Smith for Samsung.
7 I understand -- I think the world of Mr. Hill and
8 understand he is leaving the firm, but he is currently --
9 he has conflicts with my client, Samsung. He is currently
10 a counsel of record opposite Samsung in live cases, and he
11 has not withdrawn from those cases yet. I will take this
12 back to my client. They certainly can weigh, but he
13 currently has a conflict with Samsung.
14 THE COURT: Well, Ms. Smith, thank you for
15 pointing that out. I had no idea. I did check to make
16 sure their firm wasn't involved in the case, but, again,
17 it's really just the Court trying to help somebody out who
18 is changing their career direction.
19 I totally understand, and so y'all can meet and
20 confer and see if you can come up with somebody else if
21 that -- you know, I am not going to force it upon the
22 parties. That's not my general style. Typically I appoint
23 Judge Folsom to do mediations. But y'all can certainly
24 consult on that and then get back to the Court on who you
25 would like if you reach an agreement. Okay?

1 MS. SMITH: Thank you, your Honor.
2 THE COURT: Not a problem.
3 MR. HARKINS: Thank you, your Honor.
4 THE COURT: Okay. So I will get scheduling orders
5 entered and everything. I will say this, that if other
6 disputes come up, just let me know.
7 And, again, when you do set the one deposition,
8 inform my staff so that -- hopefully I'll be available.
9 But if for some reason I am not, I will make sure I have
10 coverage for that if that issue comes up regarding needing
11 more deposition time.
12 If other issues come up, let me know although -- I
13 do a lot of things by telephone, and, of course, the
14 *Markman* hearing I will do by -- usually I do it by video
15 just to not make everyone come here to Sherman. But we can
16 discuss that if certain people are opposed to that. I've
17 been doing them by video since COVID and haven't stopped.
18 But, again, I'm just trying to do things to make it more
19 convenient and cost-effective for everybody.
20 And just let me know if I can do anything else.
21 Y'all have a good day.
22 (Proceedings concluded, 10:39 a.m.)
23 COURT REPORTER'S CERTIFICATION
I HEREBY CERTIFY THAT ON THIS DATE, SEPTEMBER 26,
24 2024, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD
OF PROCEEDINGS.
25 /s/
CHRISTINA L. BICKHAM, CRR, RDR