

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL TECHNOLOGIES, INC.,
Petitioner,
V.
GODO KAISHA IP BRIDGE 1,
Patent Owner

IPR2024-01494
Patent 11,968,909 B2

T E L E C O N F E R E N C E

Before Administrative Patent Judges John D. Hamann,
Monica S. Ullagaddi, and Sheila F. McShane, on
Friday, June 13, 2025, commencing at 11:02 a.m.
Eastern Daylight Time, reported by Michele E.
French, RPR, RMR, CSR-3091, and Notary Public for
the State of Michigan.

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1 Friday, June 13, 2025

2 11:02 a.m. Eastern

3 * * * * *

4 JUDGE HAMANN: This is Judge Hamann.

5 This is a call in IPR2024-1447-1493 and -1494.

6 On the line also are Judges Ullagaddi
7 and McShane. And across -- and we're paneled
8 across these cases and in various configurations.
9 Judge Arbes, who is also on at least some of the
10 panels across these cases, is not on the line.

11 With that, I'd like to transition to
12 understand who is on the line for the parties.

13 So for the Petitioner, who is appearing
14 and arguing for Petitioner, please?

15 MS. ARMOND: Good morning, Your Honor.
16 This is Michelle Armond for Petitioner Western
17 Digital. And I am joined by my colleagues Douglas
18 Wilson and Monica Arnold. And I will be speaking.

19 And I do -- as you've discovered, we do
20 have a court reporter on the line, and we are
21 happy to file the transcript when we receive it.

22 JUDGE HAMANN: Thank you. Yeah. If
23 that could be filed in the normal course, that
24 would be helpful.

25 And for the Patent Owner, who is

1 appearing on its behalf?

2 MR. HRYCYSZYN: Good morning, Your
3 Honors. This is Jerry Hrycyszyn, with Wolf
4 Greenfield. I representative the Patent Owner.

5 JUDGE HAMANN: Thank you.

6 And let me begin with -- obviously, we
7 have received emails from the parties, to be
8 frank, back and forth, which is not really
9 appropriate.

10 As our scheduling order sets forth,
11 emails to the Board are not meant to be
12 argumentative nor contain attachments, and I
13 believe both of those were done here when they
14 should not have been done.

15 So let me suggest where we're at. The
16 Board has an understanding of -- there's a dispute
17 as to deposition scheduling between the parties
18 for Petitioner's expert, and Patent Owner is
19 seeking relief as to that.

20 I don't want to rehash necessarily the
21 emails. I don't think that's helpful on how we
22 got here. But I do want to understand where we're
23 at from the parties' perspectives. I'm going to
24 begin with the Patent Owner, because it's the one
25 seeking relief, and get an understanding of what

1 Patent Owner feels it should be entitled to or
2 what its proposal is at this point.

3 And, again, I don't think the
4 background, unless it is particularly relevant,
5 will be helpful for how we arrived here. I just
6 want to get an understanding of where we're at now
7 and what the dispute is now.

8 So with that, Mr. Hrycyszyn, if you
9 could speak to Patent Owner's position.

10 MR. HRYCYSZYN: Yeah. Thank you, Your
11 Honor. And I'll go through this quickly.

12 We contacted the Board because we could
13 not reach an agreement with the Petitioner on the
14 timeliness for deposition in these three related
15 IPRs.

16 We had initially proposed simply using
17 the default time limits under 37 CFR 42.53, which
18 allows for seven hours for cross, four hours for
19 redirect, and two hours for recross.

20 The rule specified that those time
21 limits are used unless stipulated by the parties
22 or ordered -- or otherwise ordered by the Board.

23 Petitioner did not like that and wanted
24 us to consolidate and reduce the time. We tried
25 to compromise, and we agreed to reduce the time by

1 a third, so then we would take the depositions in
2 all three IPRs using the amount of time that would
3 cover two IPRs.

4 JUDGE HAMANN: Mr. Hrycyszyn -- this is
5 Judge Hamann -- where are we at currently? What
6 is Patent Owner's proposal? What does it feel
7 would be appropriate as to scheduling the
8 depositions at this point?

9 MR. HRYCYSZYN: Yeah. Your Honor, so at
10 this point, we think that we should be able to do
11 these as two depositions, so one deposition
12 covering two IPRs that have overlapping issues,
13 and a separate one for the other deposition.

14 And, you know, essentially that would be
15 14 hours of direct -- or of cross-examination,
16 whatever time they need for redirect, and to the
17 extent there's any redirect, there would be
18 recross. But it would be 14 hours of
19 cross-examination.

20 Now, the problem we have with their
21 proposal, Your Honor, is they want to limit us to
22 10 and-a-half hours across the two --

23 JUDGE HAMANN: This is Judge Hamann. I
24 just want to focus on Patent Owner's proposal at
25 this point. And I'll hear from Petitioner on

1 where they're at now, and we'll go from there.

2 I mean, obviously, there's already been
3 a lot of back and forth between the parties. I'm
4 not certain that was particularly helpful.

5 So my understanding is Patent Owner
6 suggests two days across these three petitions is
7 appropriate, 14 hours of cross; is that correct?

8 MR. HRYCYSZYN: Yes, Your Honor.

9 JUDGE HAMANN: And sort of how would
10 that break apart? Would it be, you know, seven
11 for one particular case? And if you could go into
12 more detail what exactly the Patent Owner
13 proposes.

14 MR. HRYCYSZYN: So we can do it a couple
15 of different ways, and we don't really have a
16 preference, Your Honor. We could do one
17 deposition, you know, beginning, end, closed out,
18 covering two of these IPRs, in which there would
19 be seven hours of cross-examination, redirect if
20 they wanted any, and maybe some recross if needed.
21 Then the deposition could conclude, and the next
22 day a separate deposition could occur under the
23 normal default rules.

24 Under the normal default rules, people
25 usually finish those depositions in a single day

1 each, which is what we would expect to do, except
2 Petitioner has said they want to limit it to seven
3 hours on the record in a given day, which creates
4 problems, and that isn't what the rules
5 contemplate.

6 JUDGE HAMANN: Which two -- this is
7 Judge Hamann again.

8 Which two IPRs would it affect, if you
9 propose to keep them together?

10 MR. HRYCYSZYN: 1493 and 1447, because
11 they have overlapping issues related to
12 cobalt-iron-boron layers; whereas, the 1494 is
13 entirely different. That has to do with energy
14 barrier layers, at least with respect to the
15 disputed issues. And Your Honors knows this
16 because your institution decisions were very, very
17 different in those matters.

18 JUDGE HAMANN: Okay. Mr. Hrycyszyn,
19 before I turn to Ms. Armond, anything further as
20 to what Patent Owner is specifically proposing at
21 this point?

22 MR. HRYCYSZYN: No.

23 JUDGE HAMANN: Okay. Ms. Armond, as you
24 can -- I'm trying to understand -- this is Judge
25 Hamann.

1 I'm trying to understand exactly what
2 Petitioner's position is at this point. I
3 recognize, obviously, there's three different IPRs
4 here. And, you know, if they're completely
5 separate, that would be treated as three
6 depositions under our rules. And there seems to
7 be at least some consolidation that Patent Owner
8 proposes.

9 What is Petitioner's proposal at this
10 point?

11 MS. ARMOND: Thank you, Your Honor.
12 Petitioner's proposal is just to do the deal that
13 I already had reached with Mr. Hrycyszyn, which
14 was they wanted to use separate depo transcripts,
15 and reask the same questions, because they were
16 planning to not allow the depo transcripts to be
17 used across IPRs, which makes no sense when we
18 have overlapping IPRs with --

19 JUDGE HAMANN: Counsel, let me -- let me
20 interrupt you real quick. Again --

21 MS. ARMOND: Yes.

22 JUDGE HAMANN: -- I'm just trying to
23 focus on where we're at. The parties are --

24 MS. ARMOND: Yes.

25 JUDGE HAMANN: You know, so what does --

1 MS. ARMOND: Yes.

2 JUDGE HAMANN: -- what does Petitioner
3 think is the appropriate way to schedule these
4 depositions at this point?

5 MS. ARMOND: We were willing to go from
6 10 and-a-half hours to 14 hours, one transcript.
7 And I think that's the deal that we had until
8 Mr. Hrycyszyn decided to ask for three days.

9 So I think when we were in agreement it
10 was 14 hours for Patent Owner, on the record,
11 across two days, and that testimony would apply to
12 all three IPRs, so....

13 JUDGE HAMANN: Ms. Armond, let me ask
14 this, then, if I could.

15 You obviously just heard Patent Owner's
16 proposal. I'm trying to understand how, if at
17 all, Petitioner's position now differs from that
18 proposal, or is Patent Owner's proposal
19 acceptable?

20 MS. ARMOND: Yeah, I think -- it sounds
21 like we're in agreement on the 14 hours on the
22 record. The only dispute seems to be whether the
23 depo transcript has to be unique between the two
24 IPRs and how the theoretical recross would fit in.

25 So they were proposing a whole third day

1 just for their recross time, and so that's what we
2 have a problem with. We also have a problem with
3 having parallel transcripts about the same subject
4 matter and prior art.

5 JUDGE HAMANN: Let me -- this is Judge
6 Hamann.

7 I'm trying to understand what you're
8 suggesting, and from what I just heard from Patent
9 Owner, it seems like from Patent Owner's
10 perspective, the 1494 case would basically stand
11 alone under the seven -- you know, under our rules
12 of seven hours, followed by potentially four hours
13 of redirect, and two of recross.

14 Now, I do think in general Patent Owner
15 is correct. Often, you know, a single deposition
16 day can handle the amount of time that actually
17 there is for cross, redirect, and recross.

18 So, you know, that seems to be a
19 separate issue. You know, that transcript fits
20 there in the proposal, and that part I understand,
21 and there's just sort of another day with the
22 same. So in a sense they, the 1447 and 1493, are
23 just being done together under -- as if they were
24 just a single deposition under our rules, which
25 seems to have some recognition that there's some

1 overlap and, therefore, not justifying a
2 completely separate day.

3 So that -- I don't understand where --
4 as to that aspect, where Petitioner disputes the
5 proposal.

6 MS. ARMOND: The only dispute was -- and
7 it's the same expert, the same prior art, the same
8 specification. So I asked Patent Owner how we
9 were going to handle this with back-to-back
10 depositions, because they -- I asked, are we going
11 to be asking the same questions of the expert over
12 and over again because we have separate
13 transcripts? And they had no answer and would not
14 explain.

15 So if we are able to not retread the
16 same subject matter with the expert and use the
17 transcripts in various IPRs, I don't think there's
18 a dispute, and that's what they agreed to before
19 they brought this to the Board. I thought we had
20 a deal not to do that.

21 JUDGE HAMANN: Okay. Again, Ms. Armond,
22 I don't want to rehash the past and the argument
23 of all the email chain. I don't want to encourage
24 that. I'm trying to understand now.

25 So it sounds like Petitioner views

1 Patent Owner's proposal as acceptable with the
2 caveat that the -- both separate transcripts,
3 since there's two days, let's say. I recognize
4 there's direct and recross -- we can talk about in
5 a second -- but it's sort of two separate
6 transcripts here. Petitioner would suggest that
7 those should be able to be sort of
8 cross-designated so that any single transcript can
9 be used in any of the three cases; is that fair?

10 MS. ARMOND: Yes. And we had an
11 agreement to that.

12 JUDGE HAMANN: Again, I don't -- I'm
13 more focused on where we're at, just to come to
14 something that works here under our rules and is
15 acceptable -- and works for the parties to the
16 best it reasonably can.

17 MS. ARMOND: So, yes, Your Honor, two
18 days. The transcripts can be used in either IPR.
19 That would work for Petitioner.

20 JUDGE HAMANN: Then let me go back to
21 Mr. Hrycyszyn just to make certain. I think the
22 only -- and, Mr. Hrycyszyn, correct me if I'm
23 wrong, but the only -- from where we're at now, it
24 seems, the Patent Owner is in agreement with --
25 with what the Patent Owner just proposed with the

1 exception of the ability to use the transcript in
2 any -- either transcript in any of the three
3 cases. What's Patent Owner's response to that?

4 MR. HRYCYSZYN: Thank you, Your Honor.
5 And, yes, I would like to respond to that.

6 I still don't think we have a meeting of
7 the minds here because, if you notice, Petitioner
8 is focused on 14 hours. But 14 hours of what?
9 Right?

10 And the whole dispute previously was
11 what the 14 hours covered. So that's for cross,
12 not for recross. There may be more recross. But
13 we can't be limited to 14 hours total and somehow
14 reserve some of that time for recross not knowing
15 where redirect is going to be. So that's one of
16 the problems.

17 JUDGE HAMANN: Okay.

18 MR. HRYCYSZYN: We are absolutely --
19 with 14 hours of cross-examination, we are
20 absolutely okay with a consolidated transcript
21 across all three. So one deposition over two
22 days. 14 hours of cross. You know, I don't know,
23 we would need some amount of time for recross.
24 You know, under the rules, two depositions, we
25 would get four hours of recross. That would be

1 fine for us. And, of course, if they have no
2 direct, there would be no recross.

3 And the other issue --

4 JUDGE HAMANN: Let me just -- this is
5 Judge Hamann.

6 Let me clarify with you, and then we can
7 turn to your other issue, so please recall --
8 remember that, because I don't want to cause you
9 to forget it.

10 But in my view -- and I'll get back with
11 Petitioner's counsel in a moment. But in my view,
12 what Petitioner proposed, these are two separate
13 deposition days, almost completely unrelated in a
14 sense. You know, you have your 1494 in a day and
15 whatever is appropriate and relevant there. And
16 it would play out with the seven hours of cross,
17 and potentially four and two for the redirect and
18 recross. And then a second day for '47 and '93,
19 with seven hours, and four and two.

20 So it wouldn't be this 14 together. I'm
21 doing them separately, is your proposal and
22 what -- and what Petitioner's counsel suggested.
23 Although there is the issue that Petitioner's
24 counsel would basically like to be able to use
25 either transcript. I think keeping two separate

1 transcripts makes sense, used -- you know, be
2 cross-designated into each of the cases. So the
3 transcript can be used in any of the three, either
4 of the transcripts.

5 So what is Patent Owner's thoughts about
6 that approach?

7 MR. HRYCYSZYN: Oh, I see. Okay. I
8 misunderstood. I thought that Petitioner was
9 proposing that there would be a consolidated
10 transcript across both days. Your Honor, so I
11 apologize if I misunderstood the proposal.

12 So if the question is can these
13 transcripts -- both transcripts be used in all
14 proceedings, Patent Owner is fine with that.

15 JUDGE HAMANN: Okay. And this is Judge
16 Hamann. To be clear, that's my understanding of
17 what Patent Owner proposed and what Petitioner's
18 response was. And to be frank, I think where, you
19 know, the panel collectively, so to speak, is
20 heading on this.

21 But let me -- let me get back to your
22 second point, which I cut you off from, and then
23 I'll go back to Ms. Armond.

24 MR. HRYCYSZYN: Thank you, Your Honor,
25 but it was more of -- I think there is confusion

1 and to what Petitioner is referring to as a limit
2 of 14 hours, because in the dispute prior to this
3 phone call, it was whether the amount of that 14
4 hours would cover both cross and recross.

5 JUDGE HAMANN: Okay.

6 MR. HRYCYSZYN: So as I understood
7 Petitioner's proposal, including here, is that we
8 would have to reserve time under her 14-hour
9 proposal.

10 JUDGE HAMANN: Well, that proposal, in
11 my view, is not on the table right now. And so it
12 sounds like that point you just mentioned is moot.
13 I think what the panel -- and what the panel
14 understands, these are sort of two separate
15 depositions, two separate deposition days, so they
16 fall under their own rules of seven, four, and two
17 for each of the days. And when I say "days," the
18 second. And then just, basically, the cross
19 designation of the two separate transcripts across
20 the three.

21 MR. HRYCYSZYN: Again, that is --

22 JUDGE HAMANN: I'm sorry. Please go
23 ahead, Mr. Hrycyszyn.

24 MR. HRYCYSZYN: I was just going to say,
25 Your Honor, that is acceptable to Patent Owner,

1 what you just outlined.

2 JUDGE HAMANN: Okay. Ms. Armond,
3 hopefully I was clear. What is -- as to what I
4 just sort of outlined, what is Petitioner's
5 position?

6 MS. ARMOND: We agree to do -- you know,
7 follow the standard rules, and we'll have one
8 deposition for -- I'm sorry, I don't have the
9 numbers. It's 1493 and 1447. And we'll have a
10 separate day of 1494. And we'll go under the
11 standard rules. And we agree that the transcript
12 can be used in either one.

13 And I don't think that redirect and
14 recross will be an issue because, obviously, it
15 would be like -- unless Mr. Hrycyszyn is planning
16 to like reopen the depo for four hours if we ask
17 one question, and ask questions outside the scope,
18 I think we're just going to be fine.

19 JUDGE HAMANN: Okay. And to be clear,
20 there's going to be two transcripts for the
21 cross-designation. There's not going to be one
22 massive one.

23 But it seems like, then, we've sort of
24 reached what's acceptable to the parties. And I
25 just would suggest, theoretically, if the parties

1 have concern about the amount of deposition time
2 per day -- obviously, seven, plus four, plus
3 two -- you know, they could not schedule not
4 necessarily back-to-back days with this expert.
5 And so, you know, you can leave a day between if
6 there's concern that it all can't be done in a
7 single day for a single deposition.

8 MS. ARMOND: Well, Your Honor, we've
9 agreed on the last two days that the expert is
10 available, so I think we're just going to have to
11 make it work. It's June 24th and June 25th.

12 JUDGE HAMANN: Okay. I'm just
13 suggesting -- you know, obviously, it sounds like
14 the parties kind of agree that proceeding under --
15 basically under our rules at the depositions, with
16 the 1494 being by itself, the 1447 and 1493 on
17 separate deposition, two separate transcripts.
18 But the transcripts will be cross-designated
19 across all three of the cases, so either
20 transcript can be used in any of the three cases.

21 So that -- let me just confirm. I don't
22 want to open it up. Is that correct,
23 Mr. Hrycyszyn? Patent Owner finds that
24 acceptable?

25 MR. HRYCYSZYN: Patent Owner finds that

1 acceptable. Thank you, Your Honor.

2 JUDGE HAMANN: Okay. And Ms. Armond,
3 Petitioner finds that acceptable?

4 MS. ARMOND: Yes. Thank you, Your
5 Honor.

6 JUDGE HAMANN: Great. Then we're going
7 to proceed with that. Likely we'll follow this up
8 with some type of written order and/or -- just
9 memorializing this conversation. But that seems
10 to be acceptable to the parties and makes sense to
11 the panel on the line currently.

12 So with that, I'm going to just confer
13 with my colleagues real quick to make sure they
14 have nothing further. So if you all will just
15 hold on for one moment, please.

16 (Pause.)

17 JUDGE HAMANN: Thank you for holding.

18 We have nothing further. But we would
19 like to, you know, remind the parties of their
20 meet-and-confer obligations. And, again, our
21 scheduling order makes it clear that emails to the
22 Board are not meant for argument, and so going
23 forward, the parties should keep that in mind.

24 I also ask, since we do have a court
25 reporter, that after we adjourn the call, the

1 parties remain on the line to the extent the court
2 reporter needs spellings and clarifications and
3 whatnot.

4 With that, the call is adjourned. Thank
5 you.

6 MR. HRYCYSZYN: Thank you, Your Honor.

7 MS. ARMOND: Thank you, Your Honor.

8 (Teleconference concluded at 11:26 a.m.)
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1 CERTIFICATE OF NOTARY

2
3 STATE OF MICHIGAN)
4) SS
5 COUNTY OF INGHAM)
6

7 I, MICHELE E. FRENCH, a Notary Public in and for
8 the above county and state, do hereby certify that
9 the above teleconference was taken before me at
10 the time and place hereinbefore set forth; that
11 the witness was by me first duly sworn to testify
12 to the truth, and nothing but the truth; that the
13 foregoing questions asked and answers made by the
14 witness were duly recorded by me stenographically
15 and reduced to computer transcription; that this
16 is a true, full and correct transcript of my
17 stenographic notes so taken; and that I am not
18 related to, nor of counsel to either party nor
19 interested in the event of this cause.

20 Dated: June 18, 2025

21 
22

23 Michele E. French, CSR-3091, RMR, CRR
24 Notary Public, Ingham County, Michigan
25 My Commission Expires: December 2, 2029

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