

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

OPTIMUM IMAGING TECHNOLOGIES

VS.

DOCKET 4:23-CV-923

NIKON CORPORATION

OPTIMUM IMAGING TECHNOLOGIES

VS.

DOCKET 4:23-CV-927

SAMSUNG ELECTRONICS CO., LTD.,
ET AL

OPTIMUM IMAGING TECHNOLOGIES

VS.

DOCKET 4:23-CV-928

SONY CORPORATION

VOLUME 1 OF 1, PAGES 1 THROUGH 11

REPORTER'S TRANSCRIPT OF MARKMAN HEARING - CALLED, NOT HELD

MARCH 27, 2025, 9:00 A.M., IN SHERMAN, TEXAS

BEFORE CHIEF JUDGE AMOS L. MAZZANT, III,
UNITED STATES DISTRICT JUDGE

REDACTED TRANSCRIPT

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

PROCEEDINGS RECORDED USING MECHANICAL STENOGRAPHY;
TRANSCRIPT PRODUCED VIA COMPUTER-AIDED TRANSCRIPTION.

1 APPEARANCES:

2 FOR THE PLAINTIFF: ROBERT M. HARKINS, JR.
3 CHERIAN LLP - CA
4 2001 ADDISON STREET, SUITE 275
5 BERKLEY, CA 94704

6 HUNTER SCOTT PALMER
7 CHERIAN LLP - DALLAS
8 8350 NORTH CENTRAL EXPRESSWAY,
9 SUITE 1900
10 DALLAS, TX 75206

11 ELVIN E. SMITH, III
12 SIEBMAN LAW - SHERMAN
13 300 NORTH TRAVIS STREET
14 SHERMAN, TX 5090

15 FOR THE DEFENDANT NIKON CORPORATION:

16 MARC S. BLACKMAN
17 JONES DAY - CHICAGO
18 110 NORTH WACKER DRIVE, SUITE 4800
19 CHICAGO, IL 60601

20 KEITH BRYAN DAVIS
21 JONES DAY - DALLAS
22 2727 NORTH HARWOOD ST., SUITE 600
23 DALLAS, TX 75201

24 JACK RALEIGH O'DONNELL
25 JONES DAY - LA
555 SOUTH FLOWER STREET, 50TH FLOOR
LOS ANGELES, CA 90071

FOR THE DEFENDANT SAMSUNG ELECTRONICS CO., LTD., ET AL:

THOMAS PEASE
JULIE P. BOOKBINDER
KATHRYN ELIZABETH ALBANESE
GREENBERG TRAURIG, LLP
ONE VANDERBILT AVENUE
NEW YORK, NY 10017

1 FOR THE DEFENDANT SAMSUNG ELECTRONICS CO., LTD., ET AL
(CONTINUED):

2
3 MELISSA RICHARDS SMITH
4 GILLAM & SMITH LLP
5 303 SOUTH WASHINGTON AVENUE
6 MARSHALL, TX 75670

7 FOR THE DEFENDANT SONY CORPORATION:

8 MICHAEL RADER
9 WOLF, GREENFIELD & SACKS, PC
10 605 THIRD AVENUE
11 NEW YORK, NY 10158

12 MARIE A. MCKIERNAN
13 WOLF, GREENFIELD & SACKS, PC
14 600 ATLANTIC AVENUE
15 BOSTON, MA 02210

16 DERON R. DACUS
17 THE DACUS FIRM, PC
18 821 ESE LOOP 323, SUITE 430
19 TYLER, TX 75701
20
21
22
23
24
25

1 (Open court, all parties present via Zoom.)

2 THE COURT: Okay. Good morning. This is Judge
3 Mazzant, and we're here in three of the Optimum cases:
4 4:23-cv-923, '927, and '928. We're set for a *Markman*.
5 We're doing this by, of course, video and -- but we are in
6 the courtroom with my court reporter taking down the
7 record.

8 You've already made your appearances, so we won't
9 do that again. But I would ask every time you speak,
10 please just identify yourself just so the court reporter
11 can make sure we get a good record.

12 A couple things before we begin. I know that I
13 received emails regarding wanting a decision on the motions
14 to transfer venue, and I will just, you know, apologize.
15 You know, it wasn't intentional on the Court's part to
16 delay doing that; it is just the nature of how busy this
17 Court's docket is.

18 So I have over maybe 117 cases with ripe motions
19 that are ready for decision that haven't been touched, and
20 so those motions really weren't in the zone. I have many
21 more older motions than that, but I received the letter and
22 recognize that the Circuit likes us to deal with those. So
23 it wasn't gamesmanship on the Court's part in any way in
24 trying to get to the *Markman* hearing before deciding those,
25 so I just apologize, you know, on behalf of the Court that

1 I couldn't get to those sooner.

2 But I did move those up after receiving the emails
3 and notes about that. I have entered two of those. The
4 third one, it will be denied, but it -- I hope to get that
5 entered sometime today so -- I had switched my attention to
6 prepare for *Markman*. So the third one, I have approved it.
7 I just have not signed it yet, so just to give you kind of
8 an update of where that's at, so that Order will come out
9 later today.

10 So as we get into the *Markman*, I gave preliminary
11 constructions, or I had the technical advisor, Scott
12 Woloson, do that last night. So I don't know what y'all
13 plan to do, but I'm going to change that up, whether you
14 did or not.

15 I want to start with "optimize," and it's the one
16 that I couldn't give a preliminary construction because I'm
17 troubled and I don't know the answer yet.

18 So I'll ask plaintiff to go first because this is
19 the one that concerns me the most in -- of course, you've
20 already seen what I think on all of the others, which we
21 can talk about the others, too, after we're done with this
22 term and go back to the beginning and go through it, any of
23 the ones you want to argue, but --

24 So the only thing I'd ask plaintiff is if you want
25 to tell me where in your slides "optimize" is, I will go to

1 your slides on that.

2 MR. HARKINS: Thank you, your Honor. This is Bob
3 Harkins for Plaintiff Optimum Imaging Technologies.

4 Your Honor, I just -- that section starts at
5 Slide 36, but I am planning on -- I think it's relevant to
6 do a little background at the, sort of, beginning of my
7 presentation because I think it relates to this. That will
8 start at Slide 6, and I'll bring that up momentarily.

9 I did want to bring to your Honor's attention --
10 and I think I need to do this just to make sure. So as
11 your Honor may be aware, we had six different cases filed
12 by Optimum Imaging in your courtroom related to the same
13 set of patents, and two of those settled over the last two
14 or three weeks. And moving forward, the defendants --
15 three of whom are here today and one, Panasonic, is on a
16 different track that's a little bit later because there was
17 a -- they filed a case in California and there was some
18 dispute about that that took some time to get resolved with
19 service and everything.

20 ~~REDACTED~~
21 ~~REDACTED~~
22 ~~REDACTED~~
23 ~~REDACTED~~
24 ~~REDACTED~~
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7 We're all here. We are certainly prepared to go
8 forward. I just -- in the event that the Court had other
9 uses of its time, I felt like it was contingent upon me to
10 say something about it. So, you know, this is where we're
11 at.

12 THE COURT: Okay. Let me make sure I understand.
13 What you're telling me is basically you believe that all
14 these cases that are currently pending today for *Markman*
15 have been resolved?

16 MR. HARKINS: And the Panasonic one. All the --
17 every case that involves Optimum Imaging Technologies.

18 THE COURT: Well, of course, I don't want to do an
19 exercise in futility, but I will also be candid. We're
20 approaching the six-month list and I am extremely busy.
21 And I have final pretrial today for a future trial, and
22 then I have final pretrial tomorrow for a three-week trial
23 starting Monday.

24 So I don't necessarily think we need to go forward
25 unless, you know -- unless someone disagrees. Just -- and

1 then if for some reason the settlements fall through, then,
2 you know, we can reset this, you know, very quickly.

3 Is that agreeable to everybody or --

4 MR. HARKINS: That certainly makes sense to us,
5 your Honor, but I'll let the defendants, you know,
6 obviously, speak for themselves.

7 MR. PEASE: Your Honor, this is Thomas Pease from
8 Greenberg Traurig for the Samsung defendants.

9 I think Mr. Harkins knows more than I do, but I
10 had heard that there were talks in the works of a
11 settlement along these lines. And I'm more than willing to
12 trust that Mr. Harkins has this right, and if that's the
13 case, then I don't think we would object to not going
14 forward with the *Markman* at this point.

15 THE COURT: Does anybody have a different view?

16 MR. DAVIS: Yes, your Honor. This is Keith Davis
17 from Jones Day for Nikon, and we are -- similarly, if -- we
18 are similarly fine with not proceeding today and seeing how
19 things proceed with the settlement, but our understanding
20 is -- again based on Mr. Harkins' discussions with us ///
21 //, that he said that the issues are resolved,
22 the disputes are resolved.

23 THE COURT: Okay.

24 MR. RADER: Your Honor, Sony is okay deferring as
25 well.

1 THE COURT: Okay. Well, I wish I had known that
2 before I spent all this time preparing but -- and I really
3 wanted to try to figure out, you know, the issue with
4 "optimize," but I'll leave my concerns for maybe another
5 day or maybe we'll never get there.

6 So that is fine, and I have a just general --
7 we'll just postpone this, and then maybe it -- it sounds
8 like we'll never have to revisit it.

9 But the one other question I just have generally
10 is since COVID, I've been doing *Markmans* by video --

11 We can go off the record.

12 (Recess, 9:10 a.m. and to 9:13 a.m.)

13 THE COURT: As to the third motion to transfer
14 venue, I am prepared to enter that today. Do you want me
15 to still enter it or not or -- I mean, I've told you it's
16 going to be denied, but it is ready and I approved it this
17 morning. I just haven't had a chance to sign it yet.

18 MR. HARKINS: Bob Harkins on behalf of plaintiff.

19 In general, you know -- and I agree with what
20 Mr. Dacus said. This just happened yesterday. We would
21 have preferred it happened even a day earlier to be able to
22 inform the Court earlier. We were trying to see if we
23 could get to your Honor yesterday afternoon, but we wanted
24 to make sure that somebody from defendants was on the line
25 and we did not get them in time to report in last night --

1 or yesterday afternoon.

2 Having said that, my general principle about these
3 things is once there is a settlement, we prefer to not have
4 anything happen and just let the settlement go into effect.
5 But if defendants feel differently, you know, I'll let them
6 speak up to that.

7 MR. PEASE: This is Tom Pease again for Samsung.

8 I would agree with that. There is no need, from
9 our perspective, for the Court to enter that.

10 THE COURT: So the only thing I will say is I
11 don't know if this -- the remaining motion is on the
12 six-month list that I have to report on Monday. If it is,
13 I am just going to moot it out, you know, for purposes of a
14 pending settlement or something, some nature of that. I
15 won't worry about it if it's not on the six-month list, but
16 I just don't remember if this one is. I don't think they
17 all three were on there but --

18 Okay. Well, is there anything else I can do for
19 y'all? I am sorry we didn't get to go forward. I have
20 questions on at least one of the terms which I thought
21 would have been a good intellectual discussion for both
22 sides, but I will take the time back because I have plenty
23 of other things to do.

24 But is there anything else I can do for anybody
25 else?

1 MR. HARKINS: Not from --

2 MR. PEASE: Your Honor, this is Tom Pease again.
3 I would just ask maybe the same question of you. Is there
4 anything that you think the parties could do better when
5 they brief *Markman* and other issues for your cases?

6 THE COURT: No. I mean, I thought the briefing
7 was, you know, very good and cited things in the
8 specifications and, you know, it -- it also depends on the
9 technology. I don't have --

10 We can go back off the record. I'm sorry.

11 (Off the record, 9:15 a.m. to 9:17 a.m.)

12 THE COURT: Well, if there is nothing further, I
13 will give y'all back your morning and I'll take it back as
14 well. And I hope y'all have a good day. Let me know if I
15 can be of any further assistance. Thank y'all.

16 (Proceedings concluded, 9:17 a.m.)

17 COURT REPORTER'S CERTIFICATION

18 I HEREBY CERTIFY THAT ON THIS DATE, APRIL 3,
19 2025, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD
20 OF PROCEEDINGS.

21 /s/
22 CHRISTINA L. BICKHAM, CRR, RDR

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