

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

SAMER AL-AZEM and PETROHAB, LLC,	:	Docket No. 25-00417
	:	
Plaintiffs,	:	
vs.	:	August 19, 2025
	:	
SAFE ARC TECHNOLOGY, LLC,	:	
	:	
Defendant.	:	Lafayette, Louisiana

REPORTER'S OFFICIAL TRANSCRIPT OF THE MOTION HEARING
BEFORE THE HONORABLE ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

REPORTED BY: LARAE E. BOURQUE, RMR, CRR
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P R O C E E D I N G S

(Call to order of the court.)

THE COURT: Please be seated.

Good morning.

The Court calls *Al-Azem, et al., vs. Safe Arc Technology, LLC*. This is Civil Action Number 25-cv-417.

The Court will take appearances from counsel at this time.

MR. LACOUR: Good morning, Your Honor.

Cliff LaCour and Al Deaver on behalf of the plaintiffs.

MR. ANTHONY: Good morning.

Ted Anthony, Wayne Helge, and Sarah Dupont on behalf of the defendant.

THE COURT: Very good. You may be seated.

Okay. What we have is a motion to stay pending *inter partes* review filed by Safe Arc Technology. The Court has reviewed the submissions by counsel and what I'd like to do now is hear from Mr. Anthony. This is your motion.

MR. ANTHONY: Certainly.

THE COURT: You may proceed.

MR. ANTHONY: You want me to come to the podium?

THE COURT: Yes, please.

MR. ANTHONY: Thank you, Your Honor.

As you know, this is a patent infringement case.

Almost immediately after the case was filed, the defendant filed

1 an *inter partes* review with the -- or a petition with the Patent
2 Trademark -- excuse me, Patent Trial and Appeal Board, which is
3 an adjudicative body within the USPTO. So it's an administrative
4 body that considers validity of issued patents.

5 In the IPR we are seeking to invalidate the entire
6 patent. There are 12 claims asserted in the patent or contained
7 in the patent and all 12 have been asserted. So the IPR seeks to
8 invalidate all of those 12 claims.

9 Within this motion, what we're really trying to address
10 is simply seeking to have this proceeding stayed pending
11 resolution of the IPR for reasons that I'll go into, but I think
12 you could sum them all up as a question of judicial efficiency
13 and whether it would be appropriate to wait and see what happens
14 with the IPR proceeding before expending a lot of time and energy
15 in this particular case that we are engaged in now.

16 The central issue before the Court really, when you
17 boil it down, is whether this proceeding should ultimately be
18 stayed for just a few months until there's a decision on the
19 institution of the IPR petition. That time frame is statutorily
20 mandated. It could be as soon as October of this year, but at
21 the outset, the latest it's going to be is January. So we're
22 only talking about a few months before we know collectively, all
23 the parties and the Court, whether the IPR is instituted. You
24 know, I think when you boil it down therefor, we're really only
25 addressing a few months, which is the issue before the Court.

1 It's not going to be years and years.

2 Courts look at -- as we addressed in the briefing,
3 courts look at a number of factors. We don't believe there's
4 going to be any prejudice to the plaintiff as a result of the
5 stay, particularly a stay until we get a decision on the
6 institution of the IPR.

7 They've -- you know, if you look at their complaint,
8 they've asserted that we have known about their patent rights
9 since 2011. They've known about my clients since 2022. We've
10 been -- counsel have been discussing various issues for over a
11 year. It culminated in them filing a suit in early 2025. So,
12 you know, you're really looking at about a 14-year window, and we
13 just believe that in light of that time frame, another few months
14 to determine whether the -- or to find out, rather, whether the
15 IPR is going to be instituted is a reasonable period to wait.

16 THE COURT: The majority position of most courts is to
17 deny these motions to stay without prejudice pending a decision
18 of whether the PTAB is going to take on the review.

19 MR. ANTHONY: Sure.

20 THE COURT: Isn't that the case?

21 MR. ANTHONY: I can't say it's a majority, but I
22 certainly can acknowledge that there are courts who do that. I
23 think -- but you also have to dig a little deeper because a lot I
24 think depends on -- each case has its own specific situation,
25 scenario, procedural history.

1 I think one of the key issues is the timing relative to
2 the lawsuit and the IPR because I think it would be a big
3 difference. In this case we don't have a scheduling order. We
4 don't have a trial date. We haven't even had the initial status
5 conference.

6 THE COURT: I mean, the timing, though, cuts both ways,
7 though.

8 MR. ANTHONY: It does.

9 THE COURT: You know, the early stage of this is -- you
10 know, one factor where courts have denied motions to stay is
11 where it's too late in the proceedings and the Court and the
12 parties have already invested a lot of time and resources into
13 litigating the case.

14 This would cut in your favor because we're at the very
15 beginning of the case, but it also can cut against you in the way
16 -- I'm very reluctant to stay a case right at the outset. And,
17 you know, at this stage we're looking at October to January.
18 What would be the harm of waiting and letting this case proceed
19 in the normal course subject to you reurging a motion in October
20 to January if the PTAB decides to take review?

21 I mean, I think the majority of courts would deny this
22 motion, but they would do it without prejudice, and I would
23 hazard to say that a majority of courts would probably grant the
24 relief that you're seeking if the PTAB were to ultimately take on
25 the review. I mean, isn't that a fair assessment of this?

1 MR. ANTHONY: Well, again, I can't -- I'm not going to
2 speak to the majority of the courts, but I understand there's
3 certainly --

4 THE COURT: Many courts.

5 MR. ANTHONY: Many courts could indeed.

6 I mean, my reaction and my response to that is I don't
7 think it's an efficient use of this Court's time for us to hike
8 back in here in whatever, three months or four months, and argue
9 this again. I mean, I appreciate the Court's ruling is to
10 indulge that, but I don't think it's the best efficient use of
11 time.

12 I think also -- you know, like I said, we don't have a
13 trial date. We don't have a scheduling order. We haven't had
14 the first status conference, but we've also been hit with two
15 rounds of discovery from the plaintiffs.

16 So, you know, they are -- they've alleged that we're
17 direct competitors. They're seeking a lot of financial and other
18 proprietary and confidential information that we are likely going
19 to, you know, in the best case take a lot of time and effort to
20 review the documents and go through that process.

21 So my point is I think it's fertile ground for
22 discovery disputes and protective order motions, and I think
23 that's -- whether it's going to be Your Honor or the magistrate,
24 I think the next four months could be potentially -- or however
25 many months it is -- is potentially going to be, like I said,

1 fertile ground for those types of disputes.

2 I also think that it's important to note that the
3 timing of this, you know, institution decision is within -- in
4 many ways within the control of the plaintiffs because when
5 they're briefing -- it's keyed off of their briefing is what I'm
6 trying to say. So to the extent that they file earlier than at
7 the last possible date, then potentially the institution decision
8 may come sooner. So it's not like we have to have this whole
9 period and they do have some control over it.

10 THE COURT: Yeah. And here's your opportunity for you
11 to educate me to some extent on the PTAB process. How do you
12 anticipate -- if the PTAB were to grant the review in this case,
13 how would that proceed? Is there a discovery process? Would
14 discovery that has taken place in -- let's assume that they wait
15 until the last minute and some discovery takes place in this case
16 over the intervening time. If PTAB grants review, is that -- is
17 it really true that that would be a waste? Would discovery not
18 have some bearing on the PTAB process as you move forward?

19 MR. ANTHONY: I have two responses if you don't mind.

20 The first one is I would like to invite my co-counsel
21 up here because he is much more versed in, Mr. Helge, in the
22 procedure before the PTAB if that would be okay with Your Honor
23 because he could do a better job of answering that question.

24 THE COURT: Yeah. I always -- I always want to hear
25 from the experts.

1 MR. ANTHONY: Well, he's much more of an expert on this
2 issue than I am. I can certainly say that.

3 THE COURT: Then why don't we bring him on up and he
4 can educate me.

5 MR. ANTHONY: Okay. And then real quickly, the second
6 point is that, I mean, I really believe that our -- there is a
7 discovery process within the IPR proceeding, and, you know, our
8 position is going to be that we should sort of be siloed in the
9 since that, you know, to the extent it's information that is
10 discovered relative to the IPR proceeding, it should stay in that
11 proceeding and not sort of cross-contaminate and then be brought
12 over to a lawsuit and vice versa.

13 THE COURT: So what you would -- and, again, short of a
14 stay, you're talking about the normal course of managing and
15 sequencing discovery and possibly focusing discovery on issues
16 that would be relevant to PTAB? Is that what I'm hearing?

17 MR. ANTHONY: Well, what I'm saying, you asked if
18 there's -- first you asked if there's a discovery procedure in
19 the IPR and PTAB and my answer is yes, and, again, Mr. Helge can
20 do a better job of addressing the ins and outs of that.

21 THE COURT: Well, why don't we have him come up and he
22 can --

23 MR. ANTHONY: Sure thing. Then I'll shut up and let
24 him go.

25 THE COURT: You don't need to shut up. When he goes

1 off track, you can correct him, do a course correction to get him
2 back on track.

3 MR. ANTHONY: Okay.

4 THE COURT: You may proceed.

5 MR. HELGE: Good morning, Your Honor. Thank you.

6 Wayne Helge again for Safe Arc.

7 Your Honor, this question about discovery procedures,
8 there are discovery procedures, and, frankly, Your Honor, they
9 can start now.

10 We have this, you know, this date that you had
11 mentioned. I think you had said assume they wait a little bit
12 later to file their -- what we call the preliminary response,
13 which is their merits briefing. If they wait until the deadline,
14 which is October 18th, the PTAB would have to decide whether to
15 institute no later than January 18th of 2026.

16 Now, if they felt that there was some sort of discovery
17 that they needed to make the merits briefing arguments, they
18 could request permission from the PTAB to open discovery now.
19 They haven't done that yet. So, in other words, there's no
20 requirement in the PTAB to wait until after this January date to
21 begin the discovery process if there is something that they want
22 from us that they think is relative or important to their PTAB
23 arguments that they plan to make, whether it's discretionary or
24 whether it is merits based, Your Honor.

25 But the other thing I would just add to Your Honor's

1 point is there is a protective order process as well in the PTAB
2 just as there was a protective order process here; and I think
3 what Mr. Anthony was referring to in terms of cross-contamination
4 was the idea -- and we haven't negotiated a protective order yet
5 in this case, Your Honor, but we would expect that there would
6 be -- you know, given what is being requested and what sort of
7 materials might be subject to discovery, we foresee there
8 probably being some negotiations regarding who can view that
9 discovery, whether it's in-house counsel, whether it's owners of
10 the company, whether executives of the company can view those
11 things, and those answers might be different, Your Honor, with
12 all respect, between the PTAB where it's maybe more technically
13 based and in this case where maybe there's some questions of
14 damages and things like that.

15 Does that answer Your Honor's question?

16 THE COURT: Yeah. I didn't have a good sense of what a
17 litigation process would look like with PTAB versus here because
18 I think that plays into the argument. You know, if this is
19 allowed to proceed in five months and the parties spent resources
20 and time in the discovery process in five months, if PTAB grants
21 review, is that a waste? Is that a wasted effort in cost and
22 time?

23 Likely the magistrate judge would deal with any
24 protective order issues and discovery issues. I anticipate being
25 more hands-on with respect to, for example, a conference with the

1 parties and setting a scheduling order for a Markman hearing.
2 That's kind of how we're going to play it out.

3 So the question I have is, you know, this is a unique
4 case in the sense that we are early in the case, and it would be
5 very easy to say, you know, we've got this pending in front of
6 PTAB as far as whether or not they're going to take review.
7 Let's just wait and see what they say in five months. Nothing --
8 we're not in the middle -- we don't have a scheduling order yet.
9 We've just initiated discovery. On the other hand, we're doing
10 that in anticipation that something is going to happen.

11 And the other question I have is I don't have a good
12 sense of the likelihood that there will be PTAB review. I mean,
13 is this Supreme Court odds in which case the answer is one in a
14 thousand, you know, or is it more likely that -- you know, is
15 review more likely in this case?

16 I know that the plaintiffs have made the argument that
17 there are characteristics of this case that would make PTAB
18 review unlikely.

19 MR. HELGE: And I would respectfully disagree with that
20 position, Your Honor.

21 In truth and just sort of from a foundational
22 standpoint, Your Honor, this is -- we're in a little bit of a new
23 world with the PTAB. They have started a new process where the
24 director rather than the panel --

25 THE COURT: There was a change in the statute that

1 resulted in that, right?

2 MR. HELGE: It's actually not a change in the statute,
3 Your Honor. It's really administrative policy that's changed.
4 There's an acting director at the PTAB who has said I will look
5 at discretionary issues, which includes how busy the litigation
6 has been, the age of the patent, other factors, whether the
7 examiner made a mistake, which we think is one of the issues in
8 particular here. Some of the prior art that the examiner had
9 before him didn't warrant the rejection that it probably should
10 have.

11 So we will submit of course, Your Honor, that the
12 PTAB -- or that the examiner did make a mistake, but those are in
13 the, you know, within the purview of the director, and that's an
14 initial round of briefing that we'll engage with plaintiffs in
15 the PTAB on that issue.

16 There's also the second round, which is the merits
17 side, you know, how strong are our invalidity arguments, and,
18 unfortunately, Your Honor, for reasons that -- you know, the
19 policy is the policy unfortunately. All of that briefing will,
20 in effect, be completed before we find out whether that director
21 discretionary denial will issue. It's likely to come after
22 October 18th. It's probably going to be -- you know, we would
23 find out in maybe November or thereabouts, and then again we're
24 looking at January for a merits decision.

25 Respectfully, Your Honor, I'd submit that we think

1 there's a good chance -- again, as Mr. Anthony, I think, said
2 before, although there are 12 claims at issue, there are multiple
3 grounds that we've presented of invalidity. The PTAB, according
4 to the Supreme Court precedent, only has to find one ground and
5 one claim that looks good, and if that test is met, the review
6 proceeds for all 12 claims, all grounds.

7 And there's a new policy as well, I think, Your Honor,
8 within like the last week at the PTAB where the PTAB has to
9 address every ground that was asserted and can't simply say these
10 are invalid and we're not going to address the rest of the
11 grounds.

12 Traditionally, Your Honor, I would say that the numbers
13 have often been 65 percent to 70 percent of petitions get
14 granted. We've seen recently with a lot of litigations that have
15 been very active and very far down the road that the director is
16 saying we're not going to get involved in the PTAB case where,
17 you know, the trial is starting in three months. So there have
18 been a fair amount of denials, and I think everyone is really
19 trying to figure out where the line is for the director for
20 granting versus denying.

21 So that's a bit of guesswork, Your Honor, but I think
22 our position would be that given the early stage here -- and I
23 think -- I don't think I'm speaking out of turn to say, if Your
24 Honor were to say, well, why don't you guys start negotiating a
25 schedule, why don't you guys start negotiating protective orders,

1 get into that initial stage of things over the next couple of
2 months so that you're ready to go on January 19th if the PTAB
3 says it's denied and on January 19th you can get going.

4 THE COURT: And you're channeling exactly what I was
5 thinking. You know, again, I think the early stage gives us a
6 lot of flexibility here, but I don't like to waste time. I mean,
7 this factors in to be -- assuming the PTAB doesn't review it -- a
8 lengthy case, and I've had experience, you know, coming on to the
9 bench with complex cases, technical cases, that when there was no
10 judge here, that kind of lingered the first year that they were
11 filed. It's really hard to get them back on track and I want to
12 avoid that in this case.

13 I do think -- and I stated the majority rule. You have
14 some debate about whether it's truly the majority rule, but I
15 think it's probably most courts, but that's a generalization
16 because this is a unique situation because we're so early in the
17 case.

18 Thank you.

19 I'd like to hear from the respondents.

20 MR. HELGE: Thank you, Your Honor.

21 THE COURT: And you have the benefit of hearing some of
22 my thoughts.

23 MR. DEEVER: Yes, Your Honor. I appreciate that.

24 THE COURT: You can have the majority rule, but this
25 does seem like a fairly unique case in that we're so early in the

1 case.

2 MR. DEAVER: But that's not uncommon with patent cases
3 and IPR filings. In fact, there's a statutory requirement they
4 be filed in a fairly narrow window after the infringement claim
5 is met. So they usually all are somewhat early filings.

6 I'd just like to clear up the briefing date schedule.

7 So plaintiffs intend to file a petition for
8 discretionary denial at the PTAB and that brief is due on or
9 before 9/18, September 18th. On 10/18 two briefs are due, the
10 patent owner's preliminary response if we choose to file one and
11 then Safe Arc's response to the petition for discretionary
12 denial.

13 The Frequently Asked Questions page at the patent
14 office indicates that the director will make her decision on
15 discretionary denial within a month. So the last brief is 10/18.
16 So we should have the discretionary denial decision by November
17 18th. If the case is referred to the merits panel to decide if
18 it should go forward, that is a decision that we won't have until
19 likely January of 2026.

20 You mentioned the likelihood of PTAB granting review,
21 and I'd like to address the chart that defendants provided in
22 reply. They focused on Tech Center -- Technology Center 3700.
23 The patent office is obviously divided into technology centers so
24 the guys with the right expertise will review the applications.
25 You don't want a mechanical engineer in a biotech area. And this

1 case will be assigned to Tech Center 3700 if it's instituted.
2 Their chart on discretionary denials showed a denial rate of
3 31 percent, but, Your Honor, I think, you know, like all
4 statistics, we've got to dig a little deeper on that.

5 If you look at the patents that were being challenged,
6 they were over six years old, so they've been in existence more
7 than six years, and the patent in suit is at eight plus years.
8 So we look at the patents that were six years and older where the
9 patent owner requested discretionary denial like we will do.
10 Where the patent owner -- where the patent hasn't already
11 expired, the denial rate is 73 percent. So there were 15 patents
12 that meet that criteria over six years old with the patent owner
13 requesting discretionary denial. Eleven were denied review. So
14 that's a 73 percent rate.

15 And we can provide the Court backup if it wants to dig
16 into those statistics.

17 But the point is, as counsel argued, it's a new world.
18 The director has added to the discretionary denial parameters.

19 And this case, because of the age of the patent, it
20 fits the subtle expectations criteria. So while we can't -- I'm
21 not going to tell you what's going to happen, but it seems pretty
22 clear it's very likely that review will be denied probably on
23 discretionary grounds and there's a chance it can be, like all
24 cases, can be denied on the merits panel.

25 THE COURT: Let me ask you, because this is -- putting

1 that aside, one of the Court's chief concerns is there hasn't
2 been an extensive motion practice. We're early in the case, but
3 there has been discovery that has been served and there's some
4 concern about waste, cross-contamination was a point that was
5 raised, and duplicative discovery in the sense that even though
6 it hasn't been -- it hasn't been granted or requested from PTAB,
7 there could be a discovery process there, duplication as far as
8 protective orders.

9 Now, that's often something that we deal with. We have
10 processes for coordinating that and the magistrate judge is very
11 good about working up a sequenced or phased discovery that
12 prevents issues like that. What about that in this case?
13 Because you have served discovery and discovery in these cases
14 can be extensive and costly. Can you address that?

15 MR. DEEVER: Please. Thank you.

16 First, we're not seeking scorched earth patent
17 discovery. If you look at the pretrial order that the parties
18 filed, we have a section where we explain what we're looking for
19 is limited discovery until we know if the IPR is going to be
20 instituted.

21 Let me segue to the PTAB. There is discovery at the
22 PTAB, but it's not like discovery in your court. It's very
23 narrowly constrained basically to the exhibits in the IPR, the
24 declarations in the IPR, deposition of experts. If you want to
25 go outside that very narrow channel, you have to do motion

1 practice with the board and basically show, you know, really good
2 cause why you need this discovery.

3 And if we focus particularly on the discretionary
4 denial petition, there really is no discovery before institution.
5 Mr. Helge said there was and I'm not going to say he's wrong.
6 What I will say is there's no set rules of practice. If you want
7 pre-institution discovery, that's kind of like pre-suit discovery
8 in the state or federal systems. You really have to demonstrate
9 why you have to have that discovery.

10 The discovery we've served, Your Honor, is seven
11 document requests and two interrogatories, and the document
12 requests, part of the discovery we would want was the revenue
13 because that's relevant for at least two issues. It helps the
14 parties assess the value of the case, right, how much effort
15 should we put in this case.

16 Second, at the PTAB, there's this concept of commercial
17 success of the accused product being some evidence of
18 patentability of our invention. So we can get revenue discovery
19 at the PTAB most likely. It's not guaranteed, but most likely we
20 can, but what we have trouble getting is some factual information
21 that will help us on the discretionary denial petition.

22 And so what I propose, Your Honor, is limited discovery
23 likely outlined in our Rule 26(f) report. And, honestly, we
24 could live with just answers to the two interrogatories and maybe
25 a 30(b)(6) deposition because what we're trying to show is

1 knowledge of the patent and whether they reverse-engineered or
2 inspected our product, things that will go to the discretionary
3 denial briefing. And if it turns out where the case is not
4 stayed and we get that discovery, we can put our own declarations
5 in at the PTAB. We may not have to rely on that evidence at the
6 PTAB depending on what plaintiffs will, you know, argue in
7 response, but that's not really confidential information that
8 can't be shared with the PTAB.

9 In fact, Your Honor, in July when we were doing the
10 Rule 26(f) report, I provided a draft protective order which
11 included a provision to allow the parties -- like I would advise
12 them, hey, we want to put your interrogatory response in the
13 PTAB, and they would either say yes or no. If they said no, then
14 we would ask the Court to rule on that issue. So we've already
15 got a protective order draft floating around and we're not asking
16 for scorched earth discovery.

17 THE COURT: Okay. Thank you.

18 MR. DEAVER: Thank you, Your Honor.

19 THE COURT: Counsel, do you have any response?

20 And I appreciate counsel pointing me to the Rule 26(f)
21 report, which is -- the magistrate judge is going to have a lot
22 of interest in that, but it does outline a proposal from the
23 plaintiff's side for a phased approach to discovery and that can
24 be managed. We do that all the time as far as phased and
25 sequenced discovery. Judge Ayo is very skilled at doing that.

1 He's got a complex litigation background. Why can't we proceed
2 that way until at least we have some determination of whether
3 this is going to go forward with PTAB?

4 MR. HELGE: Your Honor, if I may just raise one point
5 regarding the phased discovery.

6 Counsel mentioned a 30(b)(6) related to Safe Arc, and I
7 think what's important to note is from my understanding, this is
8 looking for a 30(b)(6) witness who's familiar and capable of
9 speaking to things going all the way back to 2011.

10 I'm not saying that it's going to be impossible to
11 achieve that, Your Honor, but I think it's going to take time to
12 go through records and get one person prepared to fully be able
13 to speak to that entire period and the categories that they're
14 raising.

15 THE COURT: I think the parties will need to work on
16 that and see if they can come to an agreement on it as far as
17 process, and if they can't, file a motion and the magistrate
18 judge will help you manage that process, or request a status
19 conference. Judge Ayo would love to hear from you and can get
20 very hands-on when it comes to managing the discovery process.

21 MR. HELGE: Understood, Your Honor.

22 Your Honor, in terms of other points very quickly,
23 counsel mentioned the 73 percent statistic. I would just say
24 that one of the unusual characteristics here is we do have a
25 patent that we think the examiner simply made a mistake, looked

1 at some prior art, looked at art that had everything except
2 frankly an arrangement of velcro connections, and the examiner's
3 mistake has been a reason for the director to say, hey, we need
4 to look at this again and fix this mistake.

5 And last, Your Honor, regarding pre-institution
6 discovery at the PTAB, it's 100 percent available if you request
7 it. I've done it myself multiple times. I've been on the
8 receiving end and giving end.

9 And that's the only points I have, Your Honor.

10 THE COURT: Thank you.

11 I will say that this has been very helpful. We've had
12 a few intellectual property cases, this the first patent dispute,
13 and I think that the parties have provided the Court with a lot
14 of information. I feel fairly knowledgeable about the issues in
15 this case, but I'm not going to grant the stay at this point.

16 I'm going to deny the motion for stay without prejudice
17 meaning that the defendant can reurge the motion if circumstances
18 change going forward, but at this stage, to the extent that
19 there's concern about duplication or managing discovery, I think
20 that's most appropriately dealt with by agreement between the
21 parties, and if they cannot come to an agreement, to file the
22 appropriate motion or request a discovery conference with the
23 magistrate judge. You'd file that and I would refer it to the
24 magistrate judge to prepare.

25 Just to keep the parties informed, assuming that this

1 is not -- you know, the Court is probably inclined to grant the
2 stay once PTAB review has been granted, but if PTAB review has
3 not been granted down the road, probably not too long, as far as
4 claims construction, the Court anticipates the standard practice
5 in the Western District developed by the chief judge to hire a
6 technical expert to assist the Court in that process. I think he
7 borrowed that from the Eastern District of Texas. So I want the
8 parties just to be aware of that and to be thinking about that
9 process going forward. Again, that's something that I'm going to
10 handle and not the magistrate judge in this case.

11 MR. ANTHONY: Your Honor, may I chime in?

12 THE COURT: Yes.

13 MR. ANTHONY: I was involved in a patent infringement
14 case before Judge Juneau, and I'm not sure if that's the case
15 Your Honor is referencing, but he did --

16 THE COURT: He took it from Judge Doughty, his process.

17 MR. ANTHONY: Okay. He did retain a technical expert
18 that the parties --

19 THE COURT: "Technical advisor" I think they refer to
20 them.

21 MR. ANTHONY: Right. Who actually is from Lafayette,
22 and I don't know if they went to high school together, but he's a
23 patent attorney, a pretty well-renowned patent attorney who's
24 from Lafayette. But the other thing he did is he adopted the
25 patent rules from the Eastern District. So they actually have

1 procedural rules that -- I don't think it has to be those rules,
2 but I think the Court -- it would be wise for the Court to
3 consider adopting some patent rules which addresses the things
4 like you mentioned, like a Markman hearing, briefing deadlines,
5 and things like that.

6 THE COURT: And we can have that discussion down the
7 line, and if the parties wish -- you know, if we get to a place
8 where review is denied, you know, I'm happy to have a conference
9 with you to plan that out going forward. As long as it isn't
10 going to get into the weeds on discovery disputes, I'm happy to
11 do that, and if y'all, in the interim, can work together and come
12 up with a proposal, that's better, and we can talk about it
13 later.

14 Anything else?

15 MR. DEEVER: No, Your Honor.

16 THE COURT: I'm going to go ahead -- I tell you what.
17 I'm going to go ahead and refer this to the magistrate judge for
18 a status conference so that we don't -- we don't have a
19 scheduling order prematurely issued since this is not the
20 standard case for a scheduling order. So I'm going to go ahead
21 and refer it to the magistrate judge for that process.

22 If there's nothing else, we're adjourned. Thank y'all.

23 (Proceedings Adjourned)

24 -- -- --

Certificate

I hereby certify this 29th day of September, 2025, that the foregoing is, to the best of my ability and understanding, a true and correct transcript from the record of proceedings in the above-entitled matter.

/s/ LaRae E. Bourque

Federal Official Court Reporter