

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Trina L. Thompson, Judge

GOOGLE, LLC,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 3:25-CV-08107-TLT
	)	
K.MIZRA, LLC,	)	
	)	
Defendant.	)	
_____	)	

San Francisco, California
Tuesday, March 24, 2026

TRANSCRIPT OF PROCEEDINGS

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REPORTED REMOTELY BY: Stephen W. Franklin, RMR, CRR, CPE
Official United States Reporter

Tuesday - March 24, 2026

1:56 p.m.

P R O C E E D I N G S

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THE COURTROOM DEPUTY: Now calling Case Number 25-CV-08107, Google, LLC, versus K.Mizra, LLC. Counsel please come forward to the podium and speak your appearances beginning with the plaintiff.

MR. LANIER: Good afternoon. Greg Lanier joined by Michael Lavine and Evan McLean of Jones Day for the plaintiff.

THE COURT: Good afternoon. And be sure to use your microphone almost like a rock star. Our court reporter is remote, and if he has to unmute his camera, that means that he can't hear. So please make sure you speak right into that microphone.

Good afternoon, sir.

MR. HOLOHAN: Good afternoon, Your Honor. Matthew Holohan for defendant K.Mizra.

THE COURT: Good afternoon.

Now then, Counsel, I have read your moving papers along with the responses to my questions, and I thank you for responding to the questions, because that is my way of making sure that we have as much time during the hearing as possible for oral argument. Given the amount of response that was somewhat lengthy, I am going to ask that the defense please indicate for me the, kind of what I call the rub in the case

1 and your most succinct impression of whether this case should
2 be dismissed or transferred to Texas given the responses.

3 **MR. HOLOHAN:** Your Honor, I'll try to answer your
4 question briefly, and I've given this a lot of thought in view
5 of plaintiff's response last week.

6 I think an important question is one that the Court asked,
7 which is whether those direct communications from K.Mizra to
8 Google in 2025 were related to the Texas case. They absolutely
9 were.

10 **THE COURT:** I believe they may have gone back a
11 little earlier than that.

12 **MR. HOLOHAN:** So they're the 2025 communications
13 which began in March, after the Texas case was filed in
14 February of that year. They're also the, what we refer to as
15 the 2022-2023 communications. I'm going to deal with those
16 separately because I think they are separate.

17 **THE COURT:** All right.

18 **MR. HOLOHAN:** Okay. So we know from Judge
19 Armstrong's opinion, for example, in the *Juniper Networks* case
20 that it makes no logical sense to hold that a party who sues a
21 California company in a foreign jurisdiction would be subject
22 to personal jurisdiction in California as a result of that
23 lawsuit.

24 It follows from that that a plaintiff in that foreign
25 litigation is entitled to do what litigants do, and that

1 includes e-mailing opposing counsel with proposed pleadings
2 about the scope of the case. That also includes direct
3 informal business-to-business communications in attempting to
4 resolve the case.

5 Now --

6 **THE COURT:** Let's say that I agree with you that
7 attorneys communicating with one another by phone, by e-mail
8 does not purposely avail themselves to that forum. However, if
9 I'm not mistaken, plaintiff is saying, well, back in 2023 there
10 were these discussions about a license.

11 **MR. HOLOHAN:** Yes, Your Honor. I'll address those
12 communications, as well.

13 You asked about -- the Court asked about the *Breckenridge*
14 case, and then there's the *Trimble* case. Google's position is
15 essentially that *Breckenridge* is no longer relevant in view of
16 *Trimble*. I think that overstates it. If you read the *Trimble*
17 decision it actually favorably cites *Breckenridge* in a couple
18 of cases as giving examples of when quote-unquote other
19 activities give rise to personal jurisdiction.

20 The -- and if you look at the cases that have come after
21 that which I'll go through, the *Apple versus Zipit* case and the
22 *Jack Henry* case, what you see in these cases is lengthy
23 sustained, repeated communications embodying direct charges of
24 infringement.

25 What happened in 2023 and 2022 was, first of all, we don't

1 know how many communications there were. Google, with perfect
2 access to information, chose not to put a number on the number
3 of -- on the amount of contacts there were. They're very vague
4 about how many discrete communications. What we do know is
5 that at that time K.Mizra did not accuse Google of
6 infringement. They approached them about their patent
7 portfolio which is some 140 patents, and to discuss a licensing
8 program. And that is very, very different from the fact
9 patterns in which the Federal Circuit has found personal
10 jurisdiction.

11 In *Apple versus Zipit*, for example, over a period of three
12 years there were several calls, e-mails those back and forth
13 and two in-person meetings in California, and the Court held
14 that that was enough of a sustained contact to give rise to
15 personal jurisdiction.

16 In *Jack Henry*, the patent holder had created claim charts,
17 multiple claim charts, multiple patents, charging 11 banks in
18 the forum of infringing those patents. That's very different
19 from here, where there was no chart of infringement against
20 Google.

21 And then in the *Trimble* case itself, Judge Freeman in this
22 court in the *Lyft* case had occasion to examine that case. She
23 said there was a prolonged negotiation and there were 22
24 communications surrounding, again, an explicit charge of
25 infringement of the patents that were at issue in that case,

1 and she distinguished that from the facts in the case before
2 her which was -- which involved general allegations of
3 licensing negotiations between the defendant and California
4 companies.

5 Now, there is this issue that the parties have gone back
6 and forth on that goes to the second prong of the personal
7 jurisdictions case, which is the "arising out of" or "relating
8 to" language. Our position is that when a party such as
9 K.Mizra makes overtures about a general licensing program
10 involving a very large number of patents without accusing any
11 infringement, it -- the other side cannot pick one or two of
12 those voluminous patents and generate personal jurisdiction as
13 to those discrete patents.

14 The precedents we've cited, there's the *Radio Systems* case
15 from the Federal Circuit, there's the *Kyocera* case from the
16 Southern District which holds that activities related to the
17 enforcement or defense of validity of patents give rise to
18 personal jurisdiction.

19 Here K.Mizra approached Google saying we have this large
20 patent portfolio, we have many valuable patents, why don't we
21 have a discussion about licensing. Again, apart from when it
22 began and when it ended, which I understand from Google's
23 complaint was a period of eight months or so, we don't know how
24 substantive they were. We don't know how expensive they were.

25 **THE COURT:** That was going to be my next question was

1 whether these negotiations or conversations resulted in not
2 just an offer of a license, but actually securing one, or
3 more.

4 **MR. HOLOHAN:** The conversations with Google did not
5 result in a license. I don't know offhand the specific terms
6 that were proposed. I don't think it -- I don't believe it got
7 that far. Again, Google as the plaintiff has, you know, access
8 to the information on that.

9 What did happen was, you know, again, in the 2025
10 timeframe, prompted by their desire to resolve the Texas case,
11 K.Mizra began communicating with Google again about its patent
12 portfolio, but this time it was specifically in the context of
13 the Texas case. And as Google alleged in their complaint,
14 K.Mizra's preferred approach to settling litigation is by
15 talking about portfolio licenses. So I really think that --
16 and, you know, perhaps your questions allude to this. I think
17 the only contacts we're really talking about that weren't part
18 of the Texas case were those 2022-2023 licensing overtures, and
19 those just don't line up with any of the cases cited in the
20 record here that found personal jurisdiction.

21 And I'll stop there.

22 **THE COURT:** Thank you.

23 All right. Counsel, I think you know what I consider to
24 be the rub.

25 If you can address that, please.

1 **MR. LANIER:** Thank you, Your Honor. Hopefully I can
2 be heard.

3 Your Honor, it's true that the communications involving
4 the two patents that are now at issue in this case happened
5 during the Texas case between the Texas lawyers, albeit for a
6 party based in Florida and a party based in California. But
7 they don't relate exclusively to the Texas litigation, and we
8 know that for two reasons.

9 **THE COURT:** Can I ask a question, thought? When was
10 it that the Texas court received an amended complaint that
11 somewhat ignited the case that's now here?

12 **MR. LANIER:** So the Texas court -- I don't believe
13 the Texas court ever received the amended complaint. What
14 happened was there was that existing case in Texas asserting
15 two patents. In the course of that case, which is still going
16 on -- it's set for trial in November --

17 **THE COURT:** So there's no amended complaint?

18 **MR. LANIER:** No amended complaint has been filed.

19 What happened was counsel for K.Mizra sent to counsel for
20 Google a proposed amended complaint in the Texas action.
21 Unequivocally that is what happened. It was a proposed amended
22 complaint in the Texas action. Now, as is required, as Your
23 Honor's well familiar nowadays, the level of pleading is a lot
24 more than just bare notice pleading, right? There were
25 concrete specific allegations of infringements by particular

1 products under two different patents.

2 What happened was then K.Mizra's counsel said, we are not
3 going to amend the complaint at this time. So it was never --
4 there was no motion to amend. There was no offer of the
5 amended complaint to the Texas court. Those patents had never
6 been before the Texas court. They have never been in the Texas
7 case. It is absolutely the case that the communications
8 happened during the Texas case between lawyers who represented
9 clients in that case.

10 So I think there, then we have to remember how we think
11 about these facts to think about what the really different
12 inquiries we have going on here that relate to the same facts.
13 There is of course case or controversy, which there doesn't
14 seem to be too much dispute about. They said, you infringed
15 these patents, gave us detailed analyses of why these products
16 infringe these patents. We're not going to sue you right now.
17 We think we're past case or controversy.

18 The question is truly what it sounds like their argument
19 is, is because we mentioned these patents in connection with a
20 possible amendment to the Texas case, they can never be
21 asserted anywhere else. They must only be litigated in the
22 Texas case. And that's just not the law, and it's not required
23 under the law in general. There's no specific support for
24 that.

25 And I'd even, Your Honor, flip the question around thusly.

1 If Google had got those two proposed -- that proposed
2 complaint, no litigation was pending, and came to Your Honor
3 and filed the case that we have today of the two patents that
4 are at issue, would K.Mizra agree that it could never sue us on
5 any other patents in that portfolio in any other court in the
6 land?

7 Of course they would not agree to that, and it shouldn't,
8 because every patent creates a separate legal right.

9 So the two patents that were mentioned in the Texas case
10 that were not put into the Texas case by the choice of K.Mizra,
11 were assert -- we were asserted to infringe expressly in this
12 draft amended complaint. We were ready to file. Counsel name
13 written down, just needed to be signed. And they're part of
14 the same portfolio that K.Mizra has been trying to license.
15 Because what K.Mizra's business is is to threaten or discuss
16 assertion of patents. I don't want to use any pejorative
17 language here.

18 They offer the opportunity to threaten.

19 **THE COURT:** You said "threaten," so that got my
20 attention.

21 **MR. LANIER:** They do threaten litigation, Your Honor.
22 That is the business model, and it's necessary to create the
23 case or controversy. That's why we're here. But they offered
24 to license the entire patent by litigation based on certain
25 specific patents, but the license is for the whole thing.

1 So what this really leaves us with, we have to remember
2 three things. One is their communications about other patents
3 relate to this case and whether there is a case or controversy
4 and whether there's specific personal jurisdiction relating to
5 this case, because they're trying to license the same thing,
6 number one.

7 Number two, they're licensing that same portfolio to
8 everyone they offer it to, so the many licensees they have in
9 California, California companies to whom they have directed
10 themselves, those licenses, those communications matter. It's
11 getting those communications --

12 **THE COURT:** Were those communications part of the
13 litigation that stems --

14 (Reporter clarification.)

15 **THE COURT:** I was asking about the litigation in
16 Texas, and it appears from this discussion that the fact that
17 the attorneys are communicating with each other, whether it's
18 about a portfolio of patents that then add to what's already in
19 Texas, is it your position that just these communications alone
20 between the lawyers is what I should hang my hat on in terms of
21 personal jurisdiction? Because this is a concern I have is
22 attorneys are communicating all the time about cases across
23 state lines, and just because you're having the telephonic
24 conversation or e-mails that are transmitted between each
25 other, does that mean that someone is purposely availing

1 themselves to personal jurisdiction of that state?

2 And what really makes me curious in this case is that the
3 Texas litigation has been going on for some time. There was
4 some discussion about two patents, and then these two patents,
5 which are different but from the same family or from the same
6 portfolio, are mentioned, and now we have this litigation here,
7 where there's already ongoing litigation, which I suspect
8 there's possibly an argument that you're already in a forum,
9 you're already before, I believe it's Judge Albright?

10 **MR. LANIER:** Yes, Your Honor.

11 **THE COURT:** And you're very familiar with the family
12 of patents that are involved and judicial economy. I'm looking
13 at all of the factors. So when I take the whole cluster, your
14 best and most persuasive argument under those circumstances.
15 Particularly when we're talking about communications between
16 lawyers, negotiating or trying to resolve or settle a case. I
17 have real concerns about the Court kind of getting involved in
18 those discussions and saying, okay, settlement discussions or
19 negotiations aren't working, so now we're going to have
20 litigation in two different places, which adds to the cost,
21 pressure and resource.

22 **MR. LANIER:** Thank you, Your Honor.

23 And with apologies for leaning over. I'm just trying to
24 get on the mic here.

25 **THE COURT:** No, believe me, I don't take it

1 personally.

2 **MR. LANIER:** Thank you, Your Honor.

3 So there's a few different threads there, but I'd like to
4 come to just the very bottom line and then address a few of the
5 things that Your Honor said.

6 The bottom line is that demand letters exchanged between
7 lawyers can be the basis of specific personal jurisdiction, and
8 that the law is fairly clear on that. I'll quote from the
9 *Apple* case which we mentioned in our briefing. The district
10 court in that case, that was Judge Davila I believe, rejected
11 jurisdiction because: "Zipit's contacts with California all
12 related to attempted resolution of the status of the patents in
13 suit for the purpose of warning against infringement. This was
14 error. As we explained most recently in *Trimble*, there is no
15 general rule that demand letters can never create specific
16 personal jurisdiction."

17 And demand letters are often, if not most of the time,
18 between counsel.

19 **THE COURT:** Is this prelitigation or after a
20 complaint has been filed and there's -- and we're downstream in
21 litigation?

22 **MR. LANIER:** That's prelitigation. That's
23 prelitigation. So --

24 **THE COURT:** It's different from your situation,
25 correct? Because we're in deep litigation in Texas.

1 **MR. LANIER:** Yes and no, Your Honor. It's different
2 from our situation. It's not different from our situation in
3 that we have both prelitigation communications and
4 communications during litigation. The prelitigation
5 communications cited in the complaint --

6 (Reporter clarification.)

7 **MR. LANIER:** Thank you. Please let me know if I
8 could be of help.

9 I apologize.

10 So the prelitigation communications concerned the entire
11 portfolio. They happened before there was any litigation.
12 Litigation was commenced in Texas on two patents. Then there
13 was a proposal in Texas to amend the complaint to add those two
14 patents. And after the Texas case was filed, K.Mizra reached
15 out directly to Google again to say, would you like a license
16 to the entire portfolio.

17 So we can't split those up. It's the entirety of those
18 communications that are -- it's communications in number one.

19 Number two, it's not just its communications to Google, as
20 in the *Jack Henry* case, communications to a whole bunch of
21 people trying to license the same portfolio are relevant. And
22 that's the *Jack Henry* case cited in our papers.

23 I think, Your Honor, to get to the point Your Honor has
24 raised very wisely more than once, what about the fact that we
25 have this other case? What about efficiency? That's factor

1 four. One general reminder, of course, that we all know is
2 that K.Mizra bears the burden on those factors, because those
3 relate to the unreasonableness of assessing personal
4 jurisdiction once sufficient minimum contacts have been found.
5 If we get to those factors, it's because we've already
6 concluded there were sufficient contacts, there was purposeful
7 direction. Factor four has to do with the efficiencies of
8 litigation.

9 There will be no net increase in efficiency by sending
10 these patents to trial in Texas. That's because the Texas case
11 involves different patents. They are not related. They are
12 not in the same family. They have -- do not have common
13 inventors as the patents that are at issue in this case. They
14 accuse different products of infringement. So they relate to
15 different products. There will be different engineers who
16 design the products, different sales data, all of the sorts of
17 things Your Honor's been familiar with from these cases.
18 Different witnesses. They're separate. They actually give
19 rise to separate cases and separate claims.

20 So there's no efficiency to adding them to another case as
21 opposed to adding them. There may be efficiency for this
22 Court's docket, and we respect that and we're mindful of that,
23 but net to the system, it's no more efficient to have them in
24 Texas than here. And there's a guarantee of two trials, not
25 one trial, because the Texas case is already so far along.

1 We're set for trial in November. We're already through claim
2 construction in Texas. So if these case -- these patents were
3 sent to Texas, we'd still end up with two trials involving
4 different products, different patents, different witnesses,
5 et cetera.

6 And, in fact, Your Honor, if this case were to be
7 transferred, we'd respectfully submit -- and we don't think it
8 should be for all the reasons we've explained. But if it were
9 to be, we suggest it be transferred to Delaware, where both
10 parties are incorporated. Less inconvenient for K.Mizra, which
11 is down in Florida. It's a little quicker. Even the same time
12 zone. A very experienced patent court, as well. No one could
13 have any complaints of jurisdiction in Delaware; they're
14 incorporated there.

15 So what we have is a situation really bottom line where
16 K.Mizra's business is offering a license to a broad variety of
17 patents using as -- that's the carrot. The stick is litigation
18 in Texas. If they're allowed to avoid litigation anywhere
19 other than Texas, then by simply asserting one patent from a
20 broad portfolio they freeze location for everybody in the
21 entire world into their preferred venue. And since every
22 patent gives rise to a separate claim, different people,
23 different facts, different circumstances, there is no venue
24 analysis, there's no jurisdiction analysis. There's nothing
25 under the law that justifies giving K.Mizra the exclusive

1 choice of where anybody litigates any of the patents in its
2 portfolio.

3 I've said a lot, and I'll stop there, Your Honor. I hope
4 I have addressed Your Honor's question.

5 **THE COURT:** You have.

6 I mean, I'm still toying with this idea of the
7 communications at issue were related to the ongoing litigation
8 in Texas and whether I'm invited to ignore some of the Federal
9 Circuit findings that make it clear that enforcement of
10 activities in one forum do not subject the party to specific
11 personal jurisdiction in any other forum. So I'm starting
12 there, but let me entertain your argument and hear the final
13 word from counsel.

14 **MR. HOLOHAN:** Thank you, Your Honor.

15 A lot was said. I don't know if you'd like me to respond
16 point by point, but I'll try to do my best.

17 So we're not saying that nobody can ever file a
18 declaratory action against K.Mizra anywhere but Texas. The
19 question is not where can K.Mizra be sued, it's can they be
20 sued here.

21 **THE COURT:** And then what about his friendly offer of
22 going to Delaware?

23 **MR. HOLOHAN:** I literally heard that at the same time
24 you did for the first time. I certainly need to consult with
25 my client on that, but we're not prepared to agree to that

1 today.

2 In terms of efficiency, there is obviously increased
3 efficiency, at least for K.Mizra, in having to fight in
4 multiple fora thousands of miles away. It is true that the
5 products and patents are distinct. The parties are the same.
6 We mention in our brief, and I understand this is a new
7 development, K.Mizra has filed another case in Texas involving
8 these two patents. That is in front of Judge Albright. So
9 there would be that efficiency with Judge Albright.

10 **THE COURT:** You have filed in Texas?

11 **MR. HOLOHAN:** Yes, Your Honor.

12 **THE COURT:** For these two patents?

13 **MR. HOLOHAN:** Against Amazon, yes.

14 And then in terms of not being able to split the
15 communications, we do have to split the communications. We
16 have to draw a box around everything that happened in 2025 or
17 later, not only because of that *Juniper Networks* case and the
18 *Avocent Huntsville* case that says patent owners are entitled to
19 enforce their patents in one forum without being dragged into
20 another, this really goes back to the fundamental inquiry, the
21 due process question of personal jurisdiction. Did the
22 defendant, here K.Mizra, engage in conduct that would create a
23 reasonable expectation of being hailed into court in a foreign
24 jurisdiction.

25 K.Mizra sued in Texas. K.Mizra instructed its lawyers to

1 negotiate with other lawyers in Texas. K.Mizra attempted to
2 resolve the Texas action through direct business-to-business
3 communications.

4 The federal judiciary's interest in promoting settlements
5 and not squelching attempts to achieve resolution of patent
6 disputes extrajudicially was reinforced and reaffirmed in *Apple*
7 *versus Zipit*.

8 So we're not going back to the pre-*Trimble* decisions that
9 seem to suggest that a cease and desist letter is never grounds
10 for personal jurisdiction. That is not our position. But
11 there is a need to, you know, honor the expectations of a
12 litigant in Texas, that its activities with respect to that
13 forum will not lead to jurisdiction elsewhere. And without
14 those Texas communications, we limit everything to what
15 happened with the other California licenses and the 2022-2023
16 communications.

17 It is simply too thin under the first two prongs of the
18 federal -- of the personal jurisdiction case to match up with
19 the fact patterns that courts have used to find personal
20 jurisdiction elsewhere.

21 **THE COURT:** All right. Matter submitted?

22 **MR. LANIER:** Thank you, Your Honor.

23 **MR. HOLOHAN:** Thank you, Your Honor.

24 **THE COURT:** Thank you, Counsel.

25 The Court will take the matter under submission. I

1 anticipate an order seven to 14 days from today.

2 (Proceedings concluded at 2:23 p.m.)

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4 **CERTIFICATE OF REPORTER**

5 I certify that the foregoing is a correct transcript
6 from the record of proceedings in the above-entitled matter.

7 DATE: Wednesday, March 24, 2026

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10 _____
11 Stephen W. Franklin, RMR, CRR
12 Official Reporter, U.S. District Court
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