

13:12:40

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REX COMPUTING, INC.,)
)
) Plaintiff,)
) C.A. No. 21-525 (MN)
v.)
)
CEREBRAS SYSTEMS, INC.,)
)
) Defendant.)

Wednesday, November 30, 2022
2:00 p.m.
Markman Hearing

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE MARYELLEN NOREIKA
United States District Court Judge

APPEARANCES:

MORRIS NICHOLS ARSHT & TUNNELL, LLP
BY: BRIAN P. EGAN, ESQ.
BY: ANTHONY DAVID RAUCCI, ESQ.

-and-

ARNOLD & PORTER
BY: MICHAEL A. BERTA, ESQ.
BY: NICHOLAS H. LEE, ESQ.
BY: JONATHAN SWISHER, ESQ.

Counsel for the Plaintiff

16:17:50 1 directions to go north, go south, go east, without having
16:17:56 2 some destination known. Okay? Is that okay?

16:18:01 3 MR. BERTA: Yes.

16:18:02 4 MR. HAGIZ: Yes, Your Honor.

16:18:02 5 THE COURT: So I think that's the last of our
16:18:05 6 terms. So I think of the four groups of terms, I told you
16:18:17 7 what I am going to do with two of the groups, and I need to
16:18:23 8 figure out if I can give you my constructions on the other
16:18:30 9 two, so give us about thirty minutes and I'll come back and
16:18:36 10 let you know where we're at.

16:18:39 11 And with respect to the stay motion, I am going
16:18:47 12 to deny that. I think that we're so far into this case and
16:18:52 13 there was arguably a little bit of delay in bringing the
16:18:59 14 IPR, we're not talking about having hundreds and hundreds of
16:19:03 15 patents here, so I am going to use my discretion to stay
16:19:06 16 that.

16:19:06 17 That being said, when you do get a final written
16:19:10 18 decision, I expect the parties to tell me what the result of
16:19:15 19 that is because, you know, if all the claims are
16:19:20 20 invalidated, that would probably affect whether I wanted to
16:19:24 21 go forward with the trial, and so I might entertain another
16:19:28 22 motion for a stay at that time.

16:19:30 23 My other reason that I might get that out there
16:19:32 24 for you Delaware folks to know, the other reason I'm going
16:19:35 25 to do it is because it's pretty clear to me that even if the

16:19:44 1 paper prior art that this is based on goes down, there is
16:19:47 2 still system prior art out there. And I have been having
16:19:51 3 this a number of times where I stay cases and I don't really
16:19:54 4 get rid of anything because the same stuff is argued as
16:19:58 5 system art as paper art. So I am going to deny that motion.

16:20:04 6 Now give us about half an hour and I'll get back
16:20:07 7 to you.

16:20:08 8 (A brief recess was taken.)

16:50:30 9 THE COURT: All right. Please be seated.

16:50:34 10 Thanks for waiting.

16:50:35 11 At issue, there are six disputed claim terms in
16:50:38 12 one patent, U.S. Patent No. 10,355,975 ("the '975 Patent").
16:50:40 13 I have given you my rulings on four of the terms and I am
16:50:43 14 prepared to rule on the remaining disputes. I will not be
16:50:46 15 issuing a written opinion, but I will issue an order stating
16:50:50 16 my rulings. I want to emphasize before I announce my
16:50:55 17 decisions that although I am not issuing a written opinion,
16:50:58 18 we have followed a full and thorough process before making
16:50:58 19 the decisions I am about to state. I have reviewed the
16:51:01 20 patent and all the evidence submitted by the parties. There
16:51:03 21 was full briefing on each of the disputed terms and we had
16:51:06 22 argument today. All of that has been carefully considered.

16:51:10 23 As to my rulings, I am not going to read into
16:51:13 24 the record my understanding of claim construction law. I
16:51:15 25 have a legal standard section that I have included in