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Transcript of Hearing

Date: October 24, 2025
Case: Omni MedSci, Inc. -v- Whoop, Inc.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1 U.S. DISTRICT COURT
2 DISTRICT OF DELAWARE
3 (WILMINGTON)
4 ----------x
5 OMNI MEDSCI INC., :
6 PLAINTIFF, :
7 v. : Case No.:
8 WHOOP INC., : 1:25-cv-00140-WCB
9 DEFENDANT. :
10 ----------x
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12
13 HEARING
14 BEFORE THE HONORABLE WILLIAM BRYSON
15 Conducted virtually
16 Friday, October 24, 2025
17 1:08 p.m.
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25 Recorded By: Brianna Bramlett

1 HEARING,
2 conducted virtually.
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13 Pursuant to notice, before Brianna Bramlett,
14 Notary Public in and for the State of Illinois.
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Omni MedSci Ex. 2035
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1 C O N T E N T S PAGE

2 PROCEEDING 6

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5 E X H I B I T S

6 (None marked)

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1 P R O C E E D I N G S
2 THE REPORTER: Testing. Testing.
3 Today is October 24th, 2025.
4 MR. GOLDEN: Hello, Your Honor. Good
5 afternoon. This is Ronald Golden from Bayard,
6 P.A., on behalf of the plaintiff, Omni Medsci,
7 Inc. I have with me my co-counsel from Nixon
8 Peabody, specifically, Daniel Stringfield, I
9 believe, he'll be taking lead with Your Honor's
10 approval, as well as Elizabeth Chiaviello. Do we
11 have any other folks from Nixon? I'm not sure.
12 MR. STRINGFIELD: No, I don't believe
13 so.
14 Good morning, Your Honor.
15 THE COURT: Good morning.
16 MR. GOLDEN: Thank you.
17 THE COURT: Okay. And for the
18 defendant?
19 MS. YING: Good afternoon, Your Honor.
20 This is Jennifer Ying from Morris, Nichols, Arsht
21 and Tunnell. I have with me, Travis Murray, also
22 from Morris Nichols. And then we are joined by
23 our co-counsel from Gibson Dunn, Brian Rosenthal,
24 and Nathan Scharn. And Mr. Rosenthal, with The
25 Court's permission, will be speaking on behalf of

1 the defendant today.
2 THE COURT: Okay. Well, I've gotten
3 your suggested changes to the scheduling order,
4 and so I think it'd probably makes sense just to
5 go down the list. I also have a motion for a stay
6 pending various items in the PTO. I can certainly
7 acknowledge, having looked at it, and am
8 expecting, I guess, a response. I would assume
9 the response will be to oppose the stay; is that
10 right, defendant's, or excuse me, plaintiff's?
11 MR. STRINGFIELD: That's correct, Your
12 Honor.
13 THE COURT: Yeah. I'm not going to
14 act, obviously, on the -- on the stay application
15 till I get the response. I would note that the --
16 the PTOs has recently made a variety of changes in
17 the way they're handling various items, IPRs, and
18 post-grant reviews, both informally and informally.
19 So in discussing what is to be done
20 here, it would be handy for me to be aware through
21 you of exactly what the play of the land is on --
22 on what's going on in the PTO, which I think
23 estimates that used to be fairly reliable as to
24 what was going on and what the likelihood of this
25 or that or the other of happening may no longer be

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1 as, at least, as certain or as relatively certain
2 as they used to be, but that would be helpful to
3 have that information. Okay.
4 MR. ROSENTHAL: Your -- Your Honor?
5 THE COURT: Let's go through the
6 scheduling order then.
7 MR. ROSENTHAL: I'm -- I'm sorry, Your
8 -- Your Honor, may I just briefly interject one
9 comment on that last point?
10 THE COURT: Yeah. Yeah.
11 MR. ROSENTHAL: It -- it's Brian
12 Rosenthal on behalf of the defendant. We -- we --
13 we agree. In fact, since the time that we filed
14 our motion just a couple days ago, even in the
15 last couple of days, there's been some more tweaks
16 to --
17 THE COURT: Yeah.
18 MR. ROSENTHAL: -- what's going on at
19 the PTO?
20 THE COURT: Yeah, I -- I -- so I gather.
21 MR. ROSENTHAL: We -- we tried our best
22 to sort of summarize where things stand today.
23 And I expect that the plaintiff, in their brief,
24 will update and give their perspective on where
25 things stand as of that filing. And if we file a

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1 reply, we'll, obviously, up to -- update.
2 If there are any major changes that are
3 significant, with respect to the stay, I expect
4 that counsel for plaintiff and we, we'll get
5 together, and -- and figure out whether a
6 supplemental filing is appropriate in view of any
7 of those changes, because whatever -- whatever
8 happens, we want to make sure that you have the
9 latest information about what's going on there.
10 THE COURT: I -- I appreciate that.
11 The -- we are usually the last to hear these
12 things, so I'm sure whatever I know, you know much
13 more, and that will continue to be the case. So
14 if you keep me posted as to what's going on and
15 how it affects the particular dispute before me,
16 then that would be very helpful. Okay.
17 MR. ROSENTHAL: Thank you.
18 THE COURT: Let's turn then to the --
19 the proposed scheduling order. And you've made
20 changes mostly as I -- I -- I've only had a chance
21 to skim the -- the copy that I have, but it looks
22 like it's quite manageable. Most of the changes
23 look like they are changes to dates.
24 Now, give me a sense here of what
25 you're -- overall, what you're looking for in

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1 terms of what you want to have done more slowly
2 and what you want to have done more quickly. And
3 perhaps, I should -- we start with the plaintiff.
4 Just --
5 MR. STRINGFIELD: Thank you.
6 THE COURT: -- give me the gestalt view
7 here of -- of are we -- do we want to have shorter
8 discovery, longer motions, or whatever?
9 MR. STRINGFIELD: Good morning, Your
10 Honor. Dan Stringfield on behalf of plaintiff.
11 Your Honor, Omni Medsci's position is that we
12 would agree to adopt the schedule that was in Your
13 Honor's proposed schedule circulated. The red
14 line is a little messy, the parties have gone back
15 and forth, marking it up, but the short version of
16 Omni's position is that we would agree to the
17 dates that were in the proposed schedule from Your
18 Honor. There are a --
19 THE COURT: Go ahead. Yeah. Go ahead.
20 MR. STRINGFIELD: The -- the -- the
21 additional comment I was going to make is that
22 there are a -- a few additional deadlines that the
23 parties agree, in principle, should be included in
24 the schedule. And so there are red lines for
25 that, specifically at Paragraph 6.F.I, the parties

1 added a deadline or reply expert reports --
2 THE COURT: Yeah.
3 MR. STRINGFIELD: -- which we -- we
4 mutually agreed to that in concept, but not on the
5 specific deadline for that.
6 And then also in Paragraph 10, the
7 parties have agreed to add additional deadlines
8 for claim construction, exchanges of terms to be
9 construed, and exchanges of proposed
10 constructions. Again, we agree to the principle
11 of including those additional deadlines, but not
12 the specific dates.
13 MS. YING: Right.
14 THE COURT: Now, you said at the outset
15 that you were fine with the original proposal, it
16 was not clear to me whether you mean that you --
17 that's your preference, or whether you are now
18 agreeable to the proposal as I have it before me
19 with the markups?
20 MR. STRINGFIELD: It is agreeable to us.
21 THE COURT: Or both?
22 MR. STRINGFIELD: Yeah. Yeah. Yeah.
23 I think it's all the above.
24 THE COURT: You're willing to go with
25 either -- either version, but -- so I take it that

1 -- is that right?
2 MR. STRINGFIELD: Yes, Your Honor.
3 It's the --
4 THE COURT: Okay.
5 MR. STRINGFIELD: -- the version --
6 yeah.
7 THE COURT: All right.
8 And the defendants, I gather, prefer
9 the version that's reflected in the markup; is
10 that correct?
11 MR. ROSENTHAL: Yes, Your Honor. The
12 markup actually reflects both parties' suggested
13 changes.
14 THE COURT: Okay.
15 MR. ROSENTHAL: But I think I can
16 shortcut this discussion just a little bit. I
17 think that there is one fundamental difference
18 between the parties' view on the schedules.
19 THE COURT: Okay.
20 MR. ROSENTHAL: And I think if The
21 Court gives guidance on that fundamental issue, I
22 think that the rest of the dates, we'll -- we'll
23 definitely be able to work out.
24 THE COURT: Okay. Now, tell -- tell me
25 what the fundamental issue is then.

1 MR. ROSENTHAL: The fundamental issue
2 is just when the trial is. We -- we are apart by
3 about three months. So the -- the Court had
4 proposed mid-March, I think, the Ides of March, if
5 I'm not mistaken. Let me --
6 THE COURT: Correct.
7 MR. ROSENTHAL: Yes, okay. So -- so
8 apart from the historical significance and worry
9 that I have about having a trial on the Ides of
10 March, we -- we have a -- we have two issues with
11 that trial date.
12 The first is, we think it's a little
13 bit too compressed, especially in view of the fact
14 that the parties have agreed to include reply
15 expert reports and include some exchanges with
16 respect to claim construction.
17 And also because the way that the
18 schedule laid out, there -- there ended up being
19 quite a few deadlines that fell right in the
20 middle of both holidays and heavy trial schedules.
21 And so for both of those reasons, we thought that
22 there needed to be a bit of a bump out of the
23 trial date.
24 The challenge that we have, Your Honor,
25 is that we have a heavy -- I personally have a

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1 heavy trial schedule in April and May of 2027. I
2 have four trials scheduled for those two months.
3 And so our proposal is to push the trial date out
4 from March 15th to some time that's convenient for
5 The Court in June, which we think is a very modest
6 push from what The Court had -- had -- had done.
7 And we think that that gives the
8 parties a little bit more breathing room on a
9 quite complicated case with a lot of patents and
10 on a case where the parties have agreed to add
11 some interim dates and some reply reports, reply
12 briefs, I should say.
13 And so from our perspective, it's a --
14 it's a pretty modest ask. It makes the schedule a
15 little bit more livable for such a complicated
16 case without really doing any harm, we don't
17 think, to anyone's positions given that it's only
18 a three-month difference.
19 THE COURT: All right. Let me hear
20 from the plaintiffs on the trial date then.
21 MR. STRINGFIELD: Yeah. Thank you,
22 Your Honor. I guess our, you know, baseline
23 principle is to -- to defer to The Court's
24 schedule. We understand that, you know, the
25 parties and the attorneys are busy, but more

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1 importantly, we understand that The Court is busy,
2 and we trust that The Court selected a -- a trial
3 date based on The Court's schedule and The Court's
4 convenience. And so that was our -- our starting
5 principle for that.
6 We don't share the view with our
7 colleagues that the interim deadlines that we're
8 proposing to insert would affect the trial date.
9 They're -- they're fairly typical interim
10 deadlines, like, as I mentioned, the exchange of
11 proposed terms for construction, that's fairly
12 typical in -- in patent cases in other districts,
13 that shouldn't delay anything. And a -- an extra
14 round of expert reports, again, we don't believe
15 that that should push back the rest of the
16 schedule.
17 And then our concern with moving the
18 trial date back as -- as our colleagues suggest,
19 candidly, with the PTAB petitions that -- that the
20 defendant has filed, we intend to seek
21 discretionary denial of those because under the
22 current schedule for when the PTAB would issue
23 final written decisions, that wouldn't be until
24 April of 2027. And under The Court's proposed
25 schedule with a trial in March of 2027, The Court

1 would have priority over deciding those issues
2 under the discretionary denial framework.
3 And so it would be our preference to
4 keep the trial date in March, have this court
5 decide the issues of validity, and, you know,
6 again, Omni seeks or intends to seek discretionary
7 denial of those PTAB actions.
8 If the trial gets pushed back, after
9 those final written decisions, there's a less
10 likelihood that the PTAB would discretionarily
11 deny those petitions. And then the parties would
12 be duplicating efforts, you know, in the PTAB and
13 here before this court, and we believe it would
14 just be more efficient to address everything here
15 in this court. So that is our position on -- on
16 the trial date, specifically, Your Honor.
17 THE COURT: Yeah. Okay. Well, I -- I
18 -- I appreciate your concern for my situation.
19 What I had set the trial date up, I've -- I've --
20 I've been doing a batch of scheduling orders, and
21 I am trying to give people a trial date that is as
22 early as I can give them consistent with their
23 schedules and preferences as well as my own.
24 And what this is producing is I -- as
25 happens with visiting judges, you typically get a

1 batch of cases at one time, and there are often
2 cases that are right at the early stages. So when
3 you get them, you often have to do scheduling
4 orders contemporaneously across a large number of
5 cases. So that's -- that's what's happened here.
6 So what I have done is to set up trial
7 dates that are pretty tight for me and with --
8 with an eye towards two things, maybe some of
9 these cases settle, and maybe there is slippage on
10 the trial dates. I don't like to have that happen
11 if we can avoid it because then we run into
12 situations where people really do have large
13 number of commitments, you know, even a year and a
14 half out as -- commitments start showing up as we
15 -- as we've heard earlier. But if a trial date
16 slips, you know, 10 weeks before the trial was
17 supposed to occur, then the -- it's a virtual
18 guarantee that you're going to be very
19 hard-pressed to find a week in which everyone is
20 available, including expert witnesses, and the
21 like.
22 So what I -- I did was to put together
23 a list of trial dates that I could do, but only by
24 pushing the limits of what I feel comfortable
25 doing, which is, you know, normally, I try to do

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1 no more than one trial a month because I sit in
2 the Court of Appeals the first week of every
3 month. And doing two trials plus sitting in the
4 Court of Appeals in a given month is, frankly, a
5 lot, pushes the limits of what I can do.
6 So right now, I am scheduled for two
7 trials in, let me see, two trials in February, two
8 trials, including this one, tentatively, in March,
9 and two in April. Actually, one in -- I'm sorry,
10 one in -- in February, two in March, and two in
11 April. I would be happy to kick the -- one of the
12 March cases over by a couple of months. That
13 would certainly make life easier for me.
14 Now, the question is, how much
15 attention should I pay to what's going on in the
16 PTO? All of which, to me, is terra incognito, you
17 know. I -- I am really kind of at the mercy of
18 the four winds, as to some extent, I suppose you
19 are, too. You -- you -- you have a -- a -- better
20 compasses, but -- but you're still at the mercy of
21 whatever happens in the PTO. And it -- it strikes
22 me that making calculations as to trial date based
23 on what may or may not happen in the PTO is -- is
24 a kind of risky venture.
25 So my inclination is to is to push the

1 trial date back, back as in forward, I guess you
2 would say more precisely into -- into one of the
3 later months. Now, the question, I -- I -- I
4 think I -- did I hear correctly that defense
5 counsel has conflicts in April as well as March;
6 is that right?
7 MR. ROSENTHAL: Yes. Well, yes, my --
8 so I have two trials in April, and I'm just
9 looking for those dates.
10 THE COURT: What -- what about May?
11 What does may look like for you?
12 MR. ROSENTHAL: And -- and I believe I
13 have two in May.
14 THE COURT: Oh.
15 MR. ROSENTHAL: Those are my --
16 THE COURT: Okay.
17 MR. ROSENTHAL: -- those are my
18 problems.
19 THE COURT: All right.
20 MR. ROSENTHAL: So -- so that's why we
21 had proposed June.
22 THE COURT: I see.
23 MR. ROSENTHAL: And we -- we -- we're
24 flexible for when it happens in June. I'm just
25 looking for my actual dates in -- in May. I don't

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1 know if maybe Mr. Scharn has them handy because I
2 sent them to him earlier, but I would love to have
3 the specifics, but I -- I know I have trials in --
4 in May, Your Honor.
5 THE COURT: Let me get out my handy
6 2027 calendar. That seems bizarre, but there we
7 are.
8 MR. ROSENTHAL: Yeah.
9 THE COURT: Yeah, there it is.
10 MR. ROSENTHAL: If you bear with me for
11 one second, that -- that information's coming
12 right up.
13 MR. SCHARN: May 25th.
14 MR. ROSENTHAL: Oh, thank you, Mr.
15 Scharn. Sorry, so I was mistaken. It's one trial
16 in May, so -- that I have on May 25th. So I could
17 do an early May trial, that would be fine. I -- I
18 -- I feel a -- a -- a little sheepish about
19 catering to my schedule, so I -- I do appreciate
20 you asking, but I --
21 THE COURT: So that's -- that's -- you
22 know, there's no -- no point that I can see in
23 torturing lawyers by making them do superhuman
24 feats. I -- I guess I'm looking at May 11th as a
25 possible date. I can't do May 4th because that is

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1 a sitting week for the Court of Appeals.
2 MR. ROSENTHAL: May -- May -- May 11th
3 does work with my schedule, Your Honor.
4 THE COURT: All right.
5 MR. ROSENTHAL: And so that -- that
6 would be fine, or June would be fine, but for my
7 -- for my own, and -- and our own schedules.
8 THE COURT: Okay. Plaintiff, May 11th,
9 does that sound reasonable to you?
10 MR. STRINGFIELD: Your Honor, yes, we
11 will make ourselves available at the trial date
12 The Court sets.
13 THE COURT: May 11th then, we'll --
14 we'll, at least tentatively, go with May 11th.
15 Now, I'm not going to hold you to it because if
16 when we finish here, you discover that there's an
17 issue, just, you know, send us an email and -- and
18 we'll work with it. But I -- I want to get
19 something at least on paper that I can send back
20 to you and make sure that what I send ultimately
21 to the -- to the clerk's office will be something
22 that everybody is on board with, okay?
23 MS. YING: Your Honor.
24 MR. ROSENTHAL: Thank you, Your Honor.
25 And -- and I -- I would suggest, and -- and I

1 leave this, of course, entirely --
2 THE COURT: Let me -- let me interrupt
3 for just a second. I think I heard another voice,
4 that maybe the court reporter needed information.
5 MS. YING: No, Your Honor, that was --
6 that was me.
7 THE COURT: Oh, is that Ms. Ying? Yeah.
8 MS. YING: I just wanted to clarify if
9 you meant May 10th or May 11th, because the 11th I
10 have, it starts on a Tuesday.
11 THE COURT: Oh, I know the problem.
12 Yeah.
13 MR. ROSENTHAL: I was in the --
14 THE COURT: I'm using -- I'm using a
15 European calendar, which has the -- oh, wait a
16 minute. Oh, I -- I -- no, no, I'm sorry. May --
17 May 11th is a --
18 MR. STRINGFIELD: So Monday, I believe
19 in --
20 THE COURT: Well, that's -- that's --
21 MR. STRINGFIELD: No, I'm looking --
22 THE COURT: -- 2026.
23 MR. STRINGFIELD: -- I'm looking at the
24 wrong year.
25 THE COURT: I -- May --

1 MR. ROSENTHAL: I -- I was in 2026 as
2 well.
3 THE COURT: -- May 10th.
4 MR. ROSENTHAL: We were all in 2026.
5 THE COURT: May 10th --
6 MR. STRINGFIELD: Yeah. Yeah.
7 THE COURT: Yes, I was -- I was doing
8 the same thing. I was looking at 2026. Okay,
9 2027. Thank you, Ms. Ying, that's correct. May
10 10th is the beginning of that week, so we will
11 tentatively set it for then. But as I say, I will
12 circulate the scheduling order. And I'll give you
13 -- I'll wait for a day before filing. And if
14 anybody has an issue with anything, then just get
15 back to -- to me with copies, obviously, to the
16 other side.
17 Now with respect to the particulars of
18 the dates, having looked at them, I -- I don't see
19 any major issues there. Is there anything that I
20 should -- that you want to call to my attention as
21 being sufficiently anomalous, that I should be at
22 least concerned that this may have effects other
23 than the effects on counsel? I -- I didn't see
24 anything when I was just going through the list,
25 but tell me if there's anything here that I should

1 be concerned about.
2 MR. ROSENTHAL: No, Your Honor. I
3 think that if you have a May 10th trial date, that
4 some of the dates that the parties have proposed
5 might just naturally want to adjust a little bit
6 to take advantage of that time.
7 THE COURT: Yeah.
8 MR. ROSENTHAL: I -- if -- if it would
9 be helpful, I -- I suspect that within a day or
10 two -- what is it? Friday. By Monday or Tuesday,
11 I suspect that the parties could get together and
12 send in a -- a joint proposed order with May 10th
13 as the trial date, and the rest of the dates
14 agreed.
15 THE COURT: Okay. That's fine with me,
16 as long as I -- it sounds like you all are able to
17 work cooperatively on this, and -- and if so then
18 we won't have to have another meeting. Why don't
19 we try that? I will -- I will sign off, for
20 present purposes, to all the dates as acceptable
21 to me. And if you want to adjust them to
22 accommodate or take into account of the -- the May
23 10th starting date for trial, that's fine. I'm
24 sure I won't have a problem with -- with any of
25 the accommodations that you agree upon, okay?

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1 MR. ROSENTHAL: Thank you, Your Honor.
2 THE COURT: All right. Now I -- let me
3 just see if there's anything else here. I've
4 added -- I have added some notes on some of my
5 proposed scheduling orders. Yeah, I've included
6 that.
7 Unfortunately, the -- the
8 administrative office of U.S. courts, in its
9 infinite wisdom, has decided that judges should
10 not have access to sealed materials on the CMECF
11 system, which is immensely inconvenient for the
12 judges. And that is why I have added this request
13 that you email me sealed materials, any sealed
14 materials that you have at the time that you file
15 those materials.
16 And -- now I -- that doesn't mean I
17 don't want courtesy copies because I find the
18 courtesy copies are useful mostly in that they
19 give me hard copies of exhibits, which I then
20 don't have to copy here at my desk. So if -- if I
21 can get the emails that -- that serves to give me
22 an opportunity to see right away what you have to
23 say and so forth. If I have to wait for the
24 courtesy copies, it's generally a couple of days
25 before they get here and get through the mail

1 office and so forth of our -- of our court, so
2 that -- that ends up -- even if you send them out
3 when you send the filings in, that ends up, I lose
4 time that I -- that I often want to see what's in
5 -- in the -- the filings. So that's one thing.
6 Let me check and see if I have -- yes,
7 I think I removed. I had, at one point, put in a
8 requirement that everything be done in 12-point
9 Times New Roman type, with footnotes
10 double-spaced, because I had someone who decided
11 to increase the number of pages from 20 to 30 for
12 filing response to a motion by having, virtually,
13 all footnotes, so -- and single-spaced, of course,
14 and -- and -- and in 10-point type. So I -- I'm
15 going to trust you all not to do that. And so I
16 -- I will assume that you will make reasonable use
17 of footnotes and not abusive use.
18 Everything else is pretty standard. I
19 do want to ask one question that was touched on
20 earlier, and it is always a concern, and that is a
21 reference was made to a lot of patents and a lot
22 of claims. Give me an idea of what the dimension
23 of the case is in terms of numbers of patents and
24 claims. Plaintiff?
25 MR. STRINGFIELD: Your Honor, I don't

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1 have the number of claims at my fingertips. I --
2 I believe there are --
3 THE COURT: Can you give me -- me a
4 ballpark? Ballpark figure is good enough.
5 MR. STRINGFIELD: I know there are five
6 patents in suit. I -- I -- oh, I'm sorry, seven,
7 but I --
8 MR. SCHARN: Six, I believe.
9 MR. STRINGFIELD: And Brian showed me
10 -- six? Okay. I'll -- I'll -- I'll go with six.
11 I apologize. Again, I apologize, Your Honor. I'm
12 -- I'm -- I would speculate two or three claims
13 per patent, but I --
14 THE COURT: Okay. Well, that -- in
15 other words, we're not talking about 175 claims?
16 MR. STRINGFIELD: That I'm certain of.
17 THE COURT: Okay. And we're more
18 talking about something probably in the nature, at
19 this point, at least of 20 claims; is that
20 (crosstalk)?
21 MR. STRINGFIELD: Ballpark. Ballpark.
22 THE COURT: All right. Okay. Well,
23 then I don't think we have to have some kind of
24 protocol for reduction of claims at this point,
25 and the corresponding reduction of invalidity

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1 contentions.
2 So unless somebody wants some relief
3 now on that point, I would hope that you'll use
4 the good common sense in reducing the number of
5 claims even down from 20, because if you have 20,
6 you're going to spend a lot of your time at trial
7 on the long march of using your expert and doing
8 the green checks and the red Xs and so forth. And
9 that just burns a lot of time, and it drives the
10 -- the jury berserk.
11 So good sense would be to reduce the
12 number of claims and patents to the bare minimum
13 that you need to protect yourself from the
14 unexpected. I think you -- you -- you understand
15 the balance there, so I don't have to give you --
16 to tell you anything you don't already know.
17 But I'm not going to do anything with
18 respect to the numbers of patents and numbers of
19 claims at this point, given that it sounds like
20 you have a reasonable starting point, and we'll
21 hope that the numbers will -- will be reduced to
22 some extent at least before the trial.
23 Okay. Is there anything else that I
24 need to address? And I won't limit you just to
25 the scheduling order, but anything else that I

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1 should know about or that you need any guidance on
2 that I can be helpful with?
3 MR. STRINGFIELD: Not for plaintiff,
4 Your Honor.
5 MR. ROSENTHAL: You -- from -- from
6 defendant's, just one issue that I'm aware of,
7 Your Honor. And Mr. Scharn or Ms. Ying can tell
8 me if I'm missing anything. But the only other
9 thing that I'm aware of is the -- we have -- we
10 had been discussing an alternate way to do
11 deposition limits. Your standard scheduling order
12 had proposed seven depositions. The -- the
13 parties had discussed changing that to an hours
14 limit, but we couldn't agree on the number of
15 hours.
16 And so our proposal, which we
17 communicated just -- just prior to this scheduling
18 conference to the plaintiff is just to revert to
19 -- to what you had proposed, which is the seven
20 depositions, which I assume plaintiff is fine with
21 as -- as well. But we -- that's the only thing
22 that -- that when you see it in the order, you'll
23 see an hour's dispute, but I would propose we just
24 go back to the -- to the Court standard.
25 THE COURT: Seven depositions, or --

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1 did you say, or 10?
2 MR. ROSENTHAL: Seven is -- is what's
3 in the standard --
4 THE COURT: Oh.
5 MR. ROSENTHAL: -- that I believe is --
6 THE COURT: Oh, okay. Okay. All
7 right. All right. Well, that's fine. If you
8 have any second thoughts about that, or you want
9 to talk among yourselves about changing that,
10 within limits of reasonableness, I'll -- I'll sign
11 off on whatever you agree to.
12 MR. ROSENTHAL: Okay.
13 THE COURT: And that's -- that's really
14 not a burden on The Court, it's a burden on you
15 all. And -- and you -- you have a much better
16 sense than I do of your needs and the extent to
17 which you think there's too much discovery going
18 on. So that is -- that is up to you. I will
19 await your sending in a -- a proposal on
20 depositions.
21 MR. ROSENTHAL: Very -- very good, Your
22 Honor. Thank you.
23 THE COURT: Okay. I don't have
24 anything further, so I will then expect to get a
25 responsive pleading in the request for a stay, and

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1 then a reply. And I will hope to take action on
2 that fairly quickly. I've got a lot on my plate
3 at the moment, so I may not get to this
4 immediately, but I will get to it as fast as I
5 can. I've done a fair number of these stays
6 before, so I have a -- a sense of the drill.
7 Although the -- the situation with the PTO does
8 kind of throw a -- a bit of a wrench into the
9 calculation, so I will do the best I can.
10 All right. Well, I will stay on the
11 line for a couple of more minutes with the court
12 reporter, if -- in the event that she has any
13 questions that she would like clarification on or
14 needs to get any more information that I might
15 have that she might not. Other than that, I
16 appreciate your time. And have a good afternoon.
17 And we are adjourned.
18 (Off the record at 1:38 p.m.)
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