

EXHIBIT 9

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-CV-02097-RBJ

REALTIME ADAPTIVE STREAMING, LLC,
Plaintiff,
vs.
SLING TV, LLC, et al.,
Defendants.

REPORTER'S TRANSCRIPT
Telephone Discovery Conference

Proceedings before the HONORABLE R. BROOKE JACKSON,
Judge, United States District Court for the District of
Colorado, commencing on the 26th day of February, 2021, in
Courtroom A902, United States Courthouse, Denver, Colorado.

APPEARANCES

For the Plaintiff:
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Proceedings reported by mechanical stenography;



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1 do. I will order that every deposition that these four
2 experts that you use from case to case have given in other
3 cases be turned over unredacted to Mr. Cordell, and of course
4 to Ms. Nall, but the information will have to be strictly
5 attorneys' eyes only, kept confidential, not used for any
6 purpose other than this case, and I will rely on Cordell and
7 Nall to do what they need to do to avoid spreading Google's
8 crown jewels over the Internet. I'm not going to spend any
9 more time fooling around, Mr. Wang, with your do I redact this
10 line or do I redact that line in order to protect Google
11 because Realtime wants to be a responsible citizen. Nuts to
12 that.

13 Next issue.

14 MS. NALL: Your Honor, this is Jennifer Nall, if I
15 may real quick?

16 THE COURT: Yes, Ms. Nall. I didn't realize you were
17 even interested in what was going on today. You haven't said
18 a word.

19 MS. NALL: I just would like to ask that Realtime not
20 produce that to ARRIS unless the case goes forward. Right now
21 we have an agreement in principle to settle the case that we
22 are just working on signing, which I'm sure you'll be happy to
23 hear, and so I do not want that produced, and your order was
24 that he produce it to me. So I would like that not produced
25 unless we don't settle, please.

1 THE COURT: Just produce it to Mr. Cordell then.
2 That's fine. Let's see, the next issue was the damages
3 disclosures. Here I'm a little confused, Mr. Cordell, because
4 you say that they aren't telling you what their damage
5 theories are, and Wang says, Well, yes, we did.

6 MR. CORDELL: Well, so, for example --

7 THE COURT: We disclosed that our theory is a royalty
8 theory.

9 MR. CORDELL: So, for example, Your Honor, he
10 disclosed a half dozen different possible theories, but at no
11 time did he tell us what the royalty rate is or what the
12 royalty base is or how he was going to apportion, which the
13 federal circuit requires -- apportion the royalty base before
14 he applies the royalty rate. What he essentially told us is
15 he is seeking damages in this case, and I understand that, he
16 wouldn't be filing that if he weren't. Rule 26(a)(1)(A)(iii)
17 requires him to make these disclosures at the outset of the
18 case without us even asking.

19 THE COURT: I know that.

20 MR. CORDELL: And we did ask. You know, back in July
21 of 2018 we asked an interrogatory on this, and the time has
22 come for him to put his cards on the table. And he may have
23 to revise it. I wouldn't begrudge him the opportunity to take
24 some more discovery, and he may find that he needs to change
25 this or that, and with good cause that's fine, but we need to

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1 know kind of where we are on damages.

2 THE COURT: Well, let me ask you this question,
3 Mr. Cordell. If he hasn't produced the computation in
4 compliance with the rule, I won't let him put on damages.

5 MR. CORDELL: We would certainly be -- we would
6 certainly be happy with that, Your Honor.

7 THE COURT: Well, that's exactly what I'll do. If
8 Mr. Wang hasn't provided the computation of his damages in
9 compliance with the rule, not just the royalty, but the
10 royalty amount, the mathematics, the details, the numbers he
11 expects to put in front of a jury, I won't let him do it.

12 So, Mr. Wang, I suggest that you provide that
13 information completely without weasel words, without
14 qualification, without maybes, without possibilities. Either
15 provide the information, or, you, my friend, are out of court.
16 Is that clear enough, sir?

17 MR. WANG: Your Honor, thank you for those comments.
18 The issue is that the discovery that we need to begin to do
19 those numbers, we've only gotten the documents for that over
20 the past week or so, and we are right about being able to do
21 that. We tried to give them as many specifics as possible,
22 but I think finally where we're in a position based on these
23 rolling document productions that have been -- there have been
24 seven or eight in the past week or week and a half or so -- to
25 do that, and we'll make our best efforts to do that, Your

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