# EXHIBIT 1

*Draft Transcript*

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 1                  IN THE UNITED STATES DISTRICT COURT

 2                    FOR THE DISTRICT OF DELAWARE

 3   ARENDI S.A.R.L.,            )
                                 )
 4                               )
              Plaintiff,         )
 5                               )   C.A. No. 13-919-JLH
        v.                       )
 6                               )
     GOOGLE LLC,                 )
 7                               )
              Defendant.         )
 8

 9

10                      Friday, April 24, 2023
                             9:00 a.m.
11                           Jury Trial

12                            Volume I

13

14

15                        844 King Street
                       Wilmington, Delaware
16

17      BEFORE: THE HONORABLE JENNIFER L. HALL
        United States Magistrate Judge
18

19

20      APPEARANCES:

21
                SMITH, KATZENSTEIN & JENKINS LLP
22              BY:  NEAL C. BELGAM, ESQ.

23              -and-

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*Draft Transcript*

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 1      APPEARANCES CONTINUED:

 2

 3               SUSMAN GODFREY, LLP
                 BY:   JOHN LAHAD, ESQ.
 4               BY:   KEMPER DIEHL, ESQ,
                 BY:   MAX STRAUS, ESQ.
 5               BY:   SETH ARD, ESQ.
                 BY:   KALPANA SRINIVASAN, ESQ.
 6                        Counsel for the Plaintiff

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 9               POTTER ANDERSON & CORROON
                 BY:   DAVID ELLIS MOORE, ESQ.
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                 -and-
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                 PAUL HASTINGS
12               BY:   ROBERT W. UNIKEL, ESQ.
                 BY:   CHAD J. PETERMAN, ESQ.
13               BY:   MATTHIAS A. KAMBER, ESQ.
                 BY:   ANDREA ROBERTS, ESQ.
14                        Counsel for the Defendant

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1    it intended to raise at trial.

2         And I said that Arendi could raise whatever

3    remaining dispute it had about prior art references in a

4    letter after it received those combinations.  But, again,

5    I had no idea at that time, and I certainly wasn't made

6    aware that Arendi's concern actually had to do with prior

7    art references that Judge Stark had already addressed in

8    his prior opinion.

9         Then on April 11, five days after the pretrial

10   conference, and over a year after Judge Stark addressed

11   the same issue, I got a letter from Arendi that said --

12   DI 256, again asking the Court to preclude Google from

13   presenting at trial any combinations of prior art that

14   used CyberDesk.

15        Arendi's request is denied for several

16   independent reasons.

17        First, the timing.  This request is just too

18   late.  If Arendi thought there were open issues that

19   needed resolution prior to trial, Arendi had multiple

20   chances to bring them to the Court.  A motion for

21   reargument before Judge Stark, a request in the pretrial

22   order for a bench trial prior to the jury trial, or an

23   express request in the pretrial order that the Court

24   decide the issue before trial on the written record, or

25   even a motion in limine.

1          The motion in limine that Arendi did file for

2     the pretrial order asked for a ruling that defendant

3     couldn't violate Court prior orders.  However, there was

4     never any ruling out of this Court saying that Google was

5     estopped from asserting the CyberDesk system; thus, the

6     arguments it now brings are wholly unrelated to the motion

7     in limine that Arendi did file.

8          Second, Arendi's request to exclude all

9     combinations of prior art that include CyberDesk is denied

10    to the extent that it is inconsistent with Judge Stark's

11    prior ruling that IPR estoppel does not prevent Google

12    from presenting obviousness combinations that consist of

13    estopped references in combination with non-estopped

14    references.

15         Third, Arendi says that an evidentiary hearing

16    is not required for the Court to rule on the issue of

17    estoppel.  That's that document 463.  And on the record

18    presently before the Court, I find that Arendi has failed

19    to meet its burden to prove estoppel.

20         The law says that:  "A petitioner in an

21    inter partes review may request to cancel as unpatentable

22    one or more claims of a patent only on a ground that could

23    be raised under Section 102 or 103 only on the basis of

24    prior art consisting of patents and printed publications."

25         Google says that the CyberDesk system is prior

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