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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IRONBURG INVENTIONS LTD,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. 1:15-CV-4219-TWT
)	
VALVE CORPORATION,)	March 2, 2017
)	Atlanta, Georgia
Defendant.)	2:00 p.m.
_____)	

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TRANSCRIPT OF THE MARKMAN HEARING
BEFORE THE HONORABLE THOMAS W. THRASH, JR.,
U.S. DISTRICT COURT JUDGE

- - -

*Proceedings recorded by mechanical stenography
and computer-aided transcript produced by*

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2 On behalf of the Plaintiff: Robert D. Becker
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5 On behalf of the Defendant: Tanya L. Chaney
Patrick A. Lujin
Shook, Hardy & Bacon, LLP

7 Reynaldo C. Barcelo
Barcelo, Harrison & Walker, LLP

8 Ann G. Fort
Eversheds Sutherland, LLP

9
10 Also Present: Duncan Ironmonger, Scuf Gaming

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1 (Proceedings held in Atlanta, Georgia, March 2, 2017,
2 2:00 p.m., in open court.)

3 THE COURT: All right. This is the case of Ironburg
4 Inventions versus Valve Corporation, Case Number 15-CV-4219.

5 First let me ask counsel for the parties to identify
6 yourselves for the record and the parties you represent
7 beginning with the Plaintiff.

8 MR. BECKER: Good afternoon, Your Honor. This is
9 Robert Becker. I am with Manatt, Phelps & Phillips; and I
10 represent Plaintiff Ironburg Inventions.

11 THE COURT: Good afternoon, Mr. Becker.

12 MR. BECKER: And also with me here today, Your Honor,
13 is my client representative, Duncan Ironmonger.

14 THE COURT: Good afternoon.

15 MS. PARKS: Good afternoon. My name is Cynthia
16 Parks, and I am with the firm Parks IP Law. I am an attorney
17 for Ironburg Inventions as well.

18 THE COURT: Good afternoon, Ms. Parks.

19 MS. FORT: Good afternoon, Your Honor. Ann Fort from
20 the Eversheds Sutherland firm. I am here representing
21 Defendant Valve Corporation. And I'd like to introduce to you
22 lead counsel in the matter, Mr. Lujin, Pat Lujin, and Tanya
23 Chaney, both from the Shook Hardy firm. And also with them at
24 counsel table is Reynaldo Barcelo from the Barcelo, Harrison &
25 Walker firm of Newport Beach, California. And we are also

1 joined by a client representative, Karl Quackenbush, from Valve
2 Corporation. He is general counsel, Your Honor.

3 THE COURT: Thank you, Ms. Fort. Good afternoon,
4 everybody.

5 All right. This is a Markman hearing regarding the
6 construction of the claims in this case. I believe Ms. Sewell
7 communicated to everybody that each side had an hour, and the
8 way this is going to work is you've got an hour. Everything
9 you do counts against your hour, and you do whatever you want.
10 You can argue. You can call witnesses. You can cross-examine
11 witnesses. Everything you do counts against your hour. So
12 however you want to take your time, spend your time will be up
13 to you.

14 Any questions about that?

15 All right. Mr. Becker, are you going to take the
16 lead for the Plaintiff?

17 MR. BECKER: Sure. I will. Thank you, Your Honor.
18 Your Honor, if I understand you correctly, I can
19 reserve rebuttal time?

20 THE COURT: Whatever you want to do as long as you
21 don't use your 60 minutes.

22 MR. BECKER: So this is a unique Markman hearing,
23 especially for me, in that the disputes about the meaning of
24 claim terms are relatively few. What we're really looking at
25 here for the most part is a motion for invalidity due to

1 indefiniteness, several of the terms in the patents in suit.
2 So most of the material is actually issues that are being
3 raised by the Defendants, and so I am going to reserve most of
4 my time probably for rebuttal of their presentation on the
5 indefiniteness issues.

6 But I'd like to start out with just educating the
7 Court a little bit about what is really a simple invention,
8 simple yet very important. So what I have here in my hand is a
9 game controller. And game controllers in the past --

10 THE COURT: I should tell you at the outset,
11 Mr. Becker, that I have never played a video game.

12 MR. BECKER: Fortunately, that's not going to matter
13 I don't think because the claims don't really pertain to any
14 game play. They pertain to the structure of the controller.
15 And, essentially, one of the issues in the case is what do you
16 call a front and what do you call a top and what do you call a
17 back. I'm going to refer to what you are seeing, what I am
18 showing you here as the front.

19 But it doesn't matter. The terms in the patents,
20 front, top, side and back, are just used to distinguish one
21 surface from another. And it's written that way and it's
22 stated expressly in the patents that that is the case because
23 we don't want someone to try to avoid infringement by doing
24 this and saying, wait, the top -- I don't have controls on the
25 top or I don't have controls on the back and just by flipping

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