

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

EMERSON ELECTRIC CO., :  
FISHER-ROSEMOUNT SYSTEMS, :  
INC., AND ROSEMOUNT, INC., :  
 :  
PLAINTIFFS, :  
vs. : CIVIL ACTION FILE  
 : NO. 1:15-CV-0319-AT  
SIPCO, LLC, AND IP CO, LLC :  
(D/B/A INTUS IQ), :  
 :  
DEFENDANTS. :

SIPCO, LLC, AND IP CO, LLC :  
(D/B/A INTUS IQ), :  
 :  
PLAINTIFFS, :  
vs. : CIVIL ACTION FILE  
 : NO. 1:16-CV-2690-AT  
EMERSON ELECTRIC CO., ET AL., :  
 :  
DEFENDANTS. :

**TRANSCRIPT OF MOTIONS PROCEEDINGS  
BEFORE THE HONORABLE AMY TOTENBERG  
UNITED STATES DISTRICT JUDGE  
AUGUST 10, 2016  
2:48 P.M.**

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED***

***TRANSCRIPT PRODUCED BY:***

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**FOR THE EMERSON AND BP ENTITIES:**

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**FOR THE SIPCO, LLC, AND IP CO, LLC, ENTITIES:**

PAUL J. CRONIN  
JAMES C. HALL  
NUTTER LAW FIRM

J. CHRISTOPHER FOX, II  
THOMPSON HINE

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## P R O C E E D I N G S

(Atlanta, Fulton County, Georgia; August 10, 2016.)

THE COURT: Good afternoon.

MR. JACKSON: Good afternoon.

MR. CRONIN: Good afternoon.

THE COURT: All right. I know you've been circulating to a lot of courts, and I haven't seen you in person. So I am looking forward to hearing from you all.

We are here for Emerson Electric Company, et al., vs. SIPCO, LLC, et al., Civil Action Number 15-CV-319. And we have SIPCO vs. Emerson Electric, which has been transferred here. It is 16-CV-2690, if that is really the right number.

COURTROOM DEPUTY CLERK: That is the correct number, Your Honor.

THE COURT: Counsel, would you go ahead and introduce yourselves for the record.

MR. JACKSON: Yes, Your Honor. This is Don Jackson on behalf of the Emerson and BP entities.

MR. BERQUIST: Jay Berquist, Your Honor, also for Emerson.

MR. CUSTER: Your Honor, Bill Custer. I'm here with Damon Whitaker. We're with the Bryan Cave firm. And we're here on behalf of Emerson.

MR. PUMPIAN: And I'm Ryan Pumpian with Bloom Sugarman on behalf of the BP entities.

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1 MR. WHITAKER: Your Honor, I'm Damon Whitaker. I'm  
2 here on behalf of Emerson.

3 THE COURT: Great.

4 MR. CRONIN: Good afternoon, Your Honor. My name is  
5 Paul Cronin. I'm with the Nutter firm from Boston. We  
6 represent SIPCO and IP CO in both cases.

7 THE COURT: All right.

8 MR. HALL: Good afternoon, Your Honor. Jim Hall from  
9 also Nutter also representing SIPCO and IP CO.

10 MR. FOX: Good afternoon, Your Honor. I'm Chris Fox  
11 from Thompson Hine here in Atlanta. I'm also with SIPCO and  
12 IP CO.

13 THE COURT: Great. All right. Well, we have a  
14 flurry of filings. And as you can see, I was just finishing a  
15 trial. So I'm not quite as completely studied as I prefer to  
16 be. But I have at least read a good deal. But I have a bunch  
17 of questions.

18 I'm going to -- I won't be able to dispose of  
19 everything in front of me. But at least I can deal with the  
20 motion for transfer in terms of just asking some questions and  
21 getting us in a posture where I can also deal with the motion  
22 for -- it was a motion also to enjoin defendants from  
23 prosecuting the second filed action, which is obviously  
24 intimately related with the motion for transfer.

25 We have substantively the motion to limit the number

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1 of asserted claims and prior art references. I'm totally  
2 unprepared to deal with that at this juncture. But we can at  
3 least chat about it.

4 We are going to talk a little bit about the motion to  
5 amend the protective order and the filing of the motion to  
6 transfer under seal.

7 There is also BP's motion to sever and stay. It  
8 seems to me it is related directly to where this is going to be  
9 heard on the transfer issue.

10 There are a number of other pending motions in  
11 16-CV-2690 that probably I can't get to at this juncture unless  
12 they were directly related to where we're going to hear their  
13 case for confidentiality issues.

14 We have a lot of motions to file surreplies. And I  
15 don't know whether that is something that is routinely approved  
16 in the Eastern District of Texas so that everyone has gotten  
17 used to doing that. We don't routinely approve them. That  
18 doesn't mean I won't ever consider them. But I just wanted to  
19 say don't assume that I'll approve it because I don't routinely  
20 approve it. But if I do, I usually say, okay, but five pages,  
21 unless there is something unusual.

22 All right. I thought it would be most helpful if I  
23 could just ask you, first of all, some questions about the  
24 motion to transfer venue to the Eastern District of Texas and  
25 its associated related motions that were filed by Emerson.

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