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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

C-CATION TECHNOLOGIES, LLC		DOCKET 2:14CV59
VS.		FEBRUARY 18, 2015
TIME WARNER CABLE, INC., ET AL		9:00 A.M. MARSHALL, TEXAS

VOLUME 1 OF 1, PAGES 1 THROUGH 141

REPORTER'S TRANSCRIPT OF CLAIM CONSTRUCTION HEARING

BEFORE THE HONORABLE ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

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1 (OPEN COURT, ALL PARTIES PRESENT.)

2 THE COURT: For the record, we're here for the
3 claim construction hearing in *C-Cation Technologies*
4 *versus Time Warner Cable, et al*, Case Number 2:14-59 on
5 our docket.

6 Would counsel state their appearances for the
7 record.

8 MR. BAXTER: Good morning, your Honor. Sam
9 Baxter, McKool Smith, along with Lew Popovski and Jeff
10 Ginsberg who you've seen before in these cases, your
11 Honor, from Kenyon & Kenyon, along with their partners
12 David Kaplan and David Cooperberg, your Honor; and we're
13 ready.

14 THE COURT: All right. Thank you, Mr. Baxter.

15 MR. MANN: Good morning, your Honor. Mark
16 Mann here for Cisco, Arris, Time Warner Cable, and CASA,
17 the four defendants in the case. And along with me
18 today, Charles Verhoeven and Ed DeFranco and Matt
19 Traupman. And Bill Silverio is here for Cisco as
20 corporate representative, your Honor, from corporate
21 counsel's office. We're ready to proceed.

22 THE COURT: All right. Thank you, Mr. Mann.

23 I'll state for the record that --

24 Mr. Popovski, do you --

25 MR. POPOVSKI: I was going to start off by --

1 given your Honor's preliminary construction, I think we
2 have maybe a suggestion for organizing the rest of the
3 hearing.

4 THE COURT: All right. Well, let me just make
5 a statement about that; and then I'll give you the floor.

6 I was just going to note that a preliminary
7 construction has been distributed to counsel earlier this
8 morning, and I wanted to make sure that I do state for
9 the record that the intent of that construction is not to
10 limit the arguments in any way but simply to let both
11 sides know where the court is after an initial review of
12 the briefs and the record.

13 I do certainly occasionally reconsider the
14 preliminary constructions based on the arguments, and the
15 goal is to allow you to focus the arguments where you
16 think the court has gone wrong rather than to prevent you
17 from making any arguments that you think are appropriate.

18 I would also like to hear argument on a
19 term-by-term basis but -- you may have suggestions about
20 the order in which that's done, and I'm certainly
21 amenable to those.

22 And I also want to state that if either side
23 has any opening remarks they want to make about the
24 technology or the patents, I'm happy to hear those as
25 well.

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