



1 APPEARANCES (Continued):

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

(REPORTER'S NOTE: The following conference was held in chambers, beginning at 11:00 a.m.)

THE COURT: Good morning. Please be seated. This is Bradium Technologies versus Microsoft, Civil Action No. 15-31.

I'm sorry. Mr. Coulson?

MR. ZACHARY: No. I'm Michael Zachary, your Honor.

THE COURT: I assume you're a member of the Delaware bar. I just have trouble remembering.

MR. ZACHARY: No.

MR. BILSON: David Bilson, your Honor. Phillips, Goldman & Spence.

THE COURT: Oh, okay. Good morning, Mr. Bilson.

MR. BILSON: Good morning.

THE COURT: Who have you got with you here?

MR. BILSON: With me today are Michael Zachary and Chris Coulson from Kenyon & Kenyon, and this is Michael Shanrahan, general counsel for Bradium.

THE COURT: All right. Well, good morning to you all.

Mr. Zachary.

1 MR. ZACHARY: Yes.

2 THE COURT: Ms. Farnan?

3 MS. FARNAN: Good morning, your Honor. I'm here  
4 today with Matthew Bernstein from Perkins Coie on behalf of  
5 Microsoft.

6 THE COURT: All right. And is that in Seattle  
7 or San Francisco?

8 MR. BERNSTEIN: San Diego, your Honor.

9 THE COURT: Welcome to Delaware.

10 MR. BERNSTEIN: Thank you, your Honor.

11 THE COURT: All right. So I got the scheduling  
12 order and I appreciate that, notwithstanding the litigation  
13 that has already gone on, that you worked cooperatively to  
14 come up with essentially resolving almost everything.

15 I would say that in regards to footnote No. 1,  
16 because I'm going to ask Mr. Bilson to resubmit this, just  
17 cross that out. If circumstances change and Microsoft  
18 thinks a stay is at some later point, nothing that has  
19 happened here or by this order has any effect on that, so  
20 you do what you need to do whether that point comes, if that  
21 point comes.

22 Is there anything else in footnote 1 that I need  
23 to concern myself with?

24 MR. BERNSTEIN: I don't think so, your Honor.

25 MR. ZACHARY: No, your Honor.

1 THE COURT: Okay. In terms of page 3, there are  
2 two disputes. One is the number of requests for admission.  
3 I'm kind of inclined to go the with plaintiff's proposal  
4 because I think that generally requests for admission can  
5 serve to narrow down what's in dispute. So 15, not 25.

6 In terms of the depositions, as I got from  
7 looking at this, there seem to be two issues, one relating  
8 to how much of the 70 hours is party, 30(b)(6) -- how much  
9 of it is the party and how much of it is 30(b)(6). And then  
10 there seems to be a second issue perhaps of how long the  
11 inventors can be deposed for.

12 So I will start with the second one first. How  
13 many inventors are there?

14 MR. ZACHARY: There are two inventors, your  
15 Honor.

16 THE COURT: Are they in the U.S.?

17 MR. ZACHARY: No, they are not. They are both  
18 overseas in Israel, and there are two issues. One is that  
19 it's a number of hours and the discussions and we're fine  
20 with it. Ten hours per inventor would be fine with the  
21 plaintiff. But as far as the 30(b)(1) aspect of the  
22 proposal, that's also an issue for us.

23 THE COURT: Explain to me why.

24 MR. ZACHARY: Primarily because we don't control  
25 the inventors, your Honor. One of them we don't have any

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