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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

- - -

FORD MOTOR COMPANY,

Plaintiff/
Counter-Defendant,

Case No. 15-10628

vs.

Hon. Matthew F. Leitman

VERSATA SOFTWARE, INC., F/K/A
TRILOGY SOFTWARE, INC., TRILOGY
DEVELOPMENT GROUP, INC. AND
TRILOGY, INC.,

Defendants/
Counter-Plaintiffs.

MOTION FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS
and
MOTION TO STAY ALL PROCEEDINGS PENDING INTER PARTES REVIEW

BEFORE THE HONORABLE MATTHEW F. LEITMAN
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Tuesday, July 19, 2016

APPEARANCES:

For the Plaintiff: JOHN S. LEROY
CHANILLE CARSWELL
JAMES P. FEENEY
JONATHAN D. NIKKILA

For the Defendants: LANNY JESSE DAVIS
RODGER D. YOUNG
STEVEN JOHN MITBY

To obtain a copy of this official transcript, contact:
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1 Detroit, Michigan

2 Tuesday, July 19, 2016

3 at about 9:58 a.m.

4

- - -

5 (Court and Counsel present.)

6 THE CASE MANAGER: Please rise.

7 The United States District Court for the Eastern
8 District of Michigan is now in session, the Honorable
9 Matthew F. Leitman, United States District Judge, presiding.

10 You may be seated.

11 The Court calls Case No. 15-10628, Ford Motor vs.
12 Versata Software, Inc., et al.

13 Counsel, please state your appearances for the
14 record.

15 MR. FEENEY: James Feeney for the Ford Motor
16 Company.

17 MR. LeROY: John LeRoy for Ford, Your Honor.

18 MS. CARSWELL: Chanille Carswell for Ford Motor
19 Company.

20 MR. NIKKILA: Jonathan Nikkila for Ford Motor
21 Company.

22 THE COURT: Good morning.

23 MR. YOUNG: Roger Young on behalf of Versata, Your
24 Honor.

25 THE COURT: Good morning.

1 MR. MITBY: Steven Mitby, Your Honor, on behalf of
2 Versata.

3 THE COURT: Good morning.

4 MR. DAVIS: Lanny Davis on behalf of Versata.

5 THE COURT: Good morning. Okay. Thank you to
6 everybody for joining me this morning. We are here for
7 argument on two motions, Versata's motion to take -- for
8 leave to take additional depositions, and Ford Motor
9 Company's motion to stay the proceedings pending inter partes
10 review. How about if we start with the deposition motion.

11 MR. DAVIS: Good morning, Your Honor. May it
12 please the Court, we have in a way followed the script of the
13 famous scene in the Wizard of Oz where the good witch says to
14 Dorothy, go out and get me the broomstick of the wicked witch
15 and then I will find a way to send you back to Kansas.

16 Well, when I was in this courtroom the last time
17 and made a very difficult motion to take specific depositions
18 that were related to the case, but we both agreed tenuously
19 related, and you gave us the benefit of doubt to take just
20 two depositions. I considered the mandate that if I couldn't
21 come back to you to explain why our theory of the credibility
22 of Ford being at the heart of the Versata Software case and
23 that if we could demonstrate a pattern of deception and
24 misrepresentation and influencing witnesses to do the same
25 that you would allow me to pursue that if I could strengthen

1 that as relevant to the core issues of the software case,
2 which is --

3 THE COURT: Let's start with the last part,
4 influencing witnesses to do the same. If one thing seems
5 reasonably clear from the materials that you folks have
6 submitted, it is that Mr. LeRoy did not do that. When I
7 looked at his e-mails that he sent sending along the
8 deposition -- excuse me, the draft declarations, they were
9 the standard ones I used to send when I was practicing and
10 I'm sure you send, which is look at the affidavit and if it
11 is accurate -- or look at the declaration, if it is accurate,
12 please sign it. And then Mrs. Tambe asked for changes, he
13 made the changes not using her words but using his, the
14 substance to me strikes me as the same.

15 At least on that point can you and I agree that
16 there is not evidence that Mr. LeRoy in any way tried to
17 influence a witness to make a false statement?

18 MR. DAVIS: Yes.

19 THE COURT: Okay.

20 MR. DAVIS: There is no evidence. I have known
21 Mr. LeRoy just professionally and briefly, and I consider him
22 to be an honest person with professional integrity. And so I
23 raised the task at hand in what I just said and I agree with
24 you, I did not even want to accomplish anything untoward
25 about what happened.

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