

Date: April 27, 2017

Case: Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof

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UNITED STATES OF AMERICA
BEFORE THE
INTERNATIONAL TRADE COMMISSION

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IN THE MATTER OF: : Investigation
CERTAIN MOBILE AND PORTABLE ELECTRONIC : Numbers
DEVICES INCORPORATING HAPTICS (INCLUDING : 337-TA-1004
SMARTPHONES AND LAPTOPS) AND COMPONENTS : 337-TA-990
THEREOF : Consolidated
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HEARING

Thursday, April 27, 2017
Courtroom C
U.S. International Trade
Commission
500 E Street SW
Washington, DC

The Hearing commenced, pursuant to notice of the Judge, at
10:00 a.m., before the Honorable Charles E. Bullock,
Administrative Law Judge for the United States
International Trade Commission.

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<p>1 APPEARANCES</p> <p>2</p> <p>3 MORGAN CHU, ESQ.</p> <p>4 RICHARD M. BIRNHOLZ, ESQ.</p> <p>5 GRACE CHEN, ESQ.</p> <p>6 STEPHEN PAYNE, ESQ.</p> <p>7 GAVIN SNYDER, ESQ.</p> <p>8 Irell & Manella LLP</p> <p>9 1800 Avenue of the Stars, Suite 900</p> <p>10 Los Angeles, California 90067-4276</p> <p>11 310.277.1010</p> <p>12 Appearing for Complainant Immersion Corporation</p> <p>13</p> <p>14 LISA S. GLASSER, ESQ.</p> <p>15 REBECCA CARSON, ESQ.</p> <p>16 C. MACLAIN WELLS, ESQ.</p> <p>17 BABAK REDJAIAN, ESQ.</p> <p>18 Irell & Manella LLP</p> <p>19 840 Newport Center Drive, Suite 400</p> <p>20 Newport Beach, California 92660-6324</p> <p>21 949.760.0991</p> <p>22 Appearing for Complainant Immersion Corporation</p> <p>23</p> <p>24</p> <p>25 -continued-</p>	<p>1 APPEARANCES (CONTINUED):</p> <p>2 ERIN P. GIBSON, ESQ.</p> <p>3 SEAN CUNNINGHAM, ESQ.</p> <p>4 JACOB D. ANDERSON, ESQ.</p> <p>5 ROBERT C. WILLIAMS, ESQ.</p> <p>6 DLA Piper LLP (US)</p> <p>7 401 B Street, Suite 1700</p> <p>8 San Diego, California 92101-4297</p> <p>9 619.699.2700</p> <p>10 Appearing for Respondents Apple Inc. and AT&T, Inc.</p> <p>11 and AT&T Mobility LLC</p> <p>12</p> <p>13 BRIAN K. ERICKSON, ESQ.</p> <p>14 TODD PATTERSON, ESQ.</p> <p>15 DLA Piper LLP (US)</p> <p>16 401 Congress Avenue, Suite 2500</p> <p>17 Austin, Texas 78701-3799</p> <p>18 512.457.7000</p> <p>19 Appearing for Respondents Apple Inc. and AT&T, Inc.</p> <p>20 and AT&T Mobility LLC</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 -continued-</p>
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<p>1 APPEARANCES (CONTINUED):</p> <p>2</p> <p>3 BARBARA A. MURPHY, ESQ.</p> <p>4 Foster, Murphy, Altman & Nickel, P.C.</p> <p>5 1899 L Street, N.W., Suite 1150</p> <p>6 Washington, D.C. 20036</p> <p>7 202.822.4100</p> <p>8 Appearing for Complainant Immersion Corporation</p> <p>9</p> <p>10 MARK FOWLER, ESQ.</p> <p>11 ROBERT BUERGI, ESQ.</p> <p>12 SUMMER TORREZ, ESQ.</p> <p>13 KRISTA A. CELENTANO, ESQ.</p> <p>14 ERIN MC LAUGHLIN, ESQ.</p> <p>15 KATHERINE CHEUNG, ESQ.</p> <p>16 ASA WYNN-GRANT, ESQ.</p> <p>17 DLA Piper LLP (US)</p> <p>18 2000 University Avenue</p> <p>19 East Palo Alto, California 94303-2215</p> <p>20 650.833.2000</p> <p>21 Appearing for Respondents Apple Inc. and AT&T, Inc.</p> <p>22 and AT&T Mobility LLC</p> <p>23</p> <p>24</p> <p>25 -continued-</p>	<p>1 APPEARANCES (CONTINUED):</p> <p>2</p> <p>3 BENJAMIN HERSHKOWITZ, ESQ.</p> <p>4 Gibson, Dunn & Crutcher LLP</p> <p>5 200 Park Avenue</p> <p>6 New York, New York 10166-0193</p> <p>7 212.351.4000</p> <p>8 Appearing for AT&T Respondents</p> <p>9</p> <p>10 LISA MURRAY, ESQ.</p> <p>11 DAVID LLOYD, ESQ.</p> <p>12 Office of Unfair Import Investigations</p> <p>13 United States International Trade Commission</p> <p>14 500 E Street, S.W.</p> <p>15 Washington, D.C. 20436</p> <p>16 202.205.2734</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 PROCEEDINGS
2 JUDGE BULLOCK: Good morning. This is the
3 hearing in 337-TA-1004 and 990. We'll start with
4 appearances.
5 MR. CHU: Good morning, your Honor. Morgan Chu
6 from Irell & Manella for the Complainant Immersion, and I
7 would like to introduce a number of other people here
8 today. On the far left of the first row, Barbara Murphy of
9 Foster and Murphy, Rebecca Carson, Lisa Glasser and Richard
10 Birnholz. And there are a number of people from Immersion
11 here today that I'd like to introduce, in particular two of
12 them, Vic Viegas, who has been with Immersion for 18 years
13 and is currently the chief executive officer, and Amy
14 Peters, who is the general counsel.
15 Good morning.
16 JUDGE BULLOCK: Good morning.
17 MR. FOWLER: Good morning, your Honor.
18 JUDGE BULLOCK: Good morning.
19 MR. FOWLER: Mark Fowler from DLA representing
20 Respondents Apple and AT&T Mobility. I have a number of my
21 colleagues here from DLA as well and I'd like to introduce
22 them.
23 Starting in the front, Erin Gibson, Sean
24 Cunningham, Brian Erickson, Robert Buergi, Summer Torres,
25 Jacob Anderson, Bob Williams, Todd Patterson, Krista

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1 Grewal, Erin McLaughlin, Katherine Chung, Assa Wynn-Grant
2 and Jonathan Hicks. Also with us from Apple today is
3 in-house counsel Kim Moore.
4 MR. HERSHKOWITZ: Good morning, your Honor,
5 Benjamin Hershkowitz from Gibson, Dunn representing the
6 AT&T Respondents. And with me today from AT&T's legal
7 department is Brian Gaffney.
8 MS. MURRAY: Good morning, your Honor, Lisa
9 Murray on behalf of the Office of Unfair Import
10 Investigations, and with me is David Lloyd, also OUII.
11 JUDGE BULLOCK: Okay. I received the list of
12 issues the parties would like to discuss. I'm going to go
13 through my list. I think some of these questions will be
14 answered, but to the extent they're not, we can discuss
15 them afterwards.
16 Okay. Parties have already been informed about
17 how I generally handle expert reports, discovery responses
18 and so forth, so I'm not going to discuss that anymore.
19 I'm going to ask the parties to give me an
20 updated schedule of estimated time and date of hearing
21 witnesses, unless the parties have already prepared one. I
22 know that some witnesses will be appearing just by their
23 witness statements being entered in.
24 Okay. Possible government shutdown, and I know
25 that's one of the concerns that the parties had as well.

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1 The one -- normally, if it was a weather thing, Rina could
2 send you an e-mail, whatever. If there's a period over the
3 weekend, let's say, where the government is shut down, none
4 of us can communicate with you, but I would encourage you
5 to watch TV, see if the government is reopened. As soon as
6 it is reopened, we will let you know what's going on.
7 Obviously, everyone is hopeful that the
8 government won't be closed, but we'll have to see.
9 If we go beyond Tuesday, which is very unlikely,
10 but if we do, I think we're going to have to talk about
11 rescheduling, but we'll cross that bridge when we get to
12 it. Hopefully we won't.
13 Okay. Witness binders. At the end of the
14 trial, I'm going to direct the parties to remove the
15 witness binders from the courtroom.
16 As far as sequestration of fact witnesses, if a
17 party requests that, I will do that. But if not, I don't
18 require it on my own. But if a party is concerned about
19 that, then I will require that the other witnesses be
20 sequestered as appropriate.
21 Okay. Respondents withdrew two of their high
22 priority objections. Respondents also objected to certain
23 exhibits as lacking a sponsoring witness. So the
24 objection -- that objection was denied as premature, so
25 it's possible, unless the parties have come to agreement,

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1 that I might have to deal with that on a case-by-case
2 basis.
3 Okay. I did grant a couple of requests to
4 receive evidence without a sponsoring witness. However,
5 that doesn't mean that those exhibits are actually in
6 evidence, so you're still going to have to move them in
7 evidence at an appropriate time.
8 We have four stipulations, JX-35, JX-36, JX-37
9 and JX-382. So parties can offer them in at an appropriate
10 time and I will receive them into evidence.
11 Okay. Parties are aware we're scheduled --
12 we're starting today. We will be ending on May 4. The
13 courtroom hours are 9:00 to 4:30. I usually take two
14 15-minute breaks, one in the morning, one in the afternoon,
15 and then an hour for lunch.
16 Just so you're aware, I am not going to be
17 extending the hearing hours, so it's incumbent on the
18 parties to make sure that everything is finished on next
19 Thursday at 4:30.
20 I have an internal meeting to attend on Monday,
21 so this meeting is right before lunch. We are going to
22 break from 10:45 a.m. to 1:15 p.m. That will allow me to
23 go to the meeting, and then we'll have our lunch break.
24 Okay. Allocation of time. Basically, the
25 allocation will be Complainants, 45 percent, Respondents,

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