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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

- - -

ETHANOL BOOSTING SYSTEMS, : CIVIL ACTION  
LLC, and MASSACHUSETTS :  
INSTITUTE OF TECHNOLOGY, :  
 :  
Plaintiffs, :  
 :  
vs. :  
 :  
FORD MOTOR COMPANY, :  
 :  
Defendant. : NO. 19-196-CFC-SRF

- - -

Wilmington, Delaware  
Wednesday, January 8, 2020  
9:00 o'clock, a.m.

- - -

BEFORE: HONORABLE COLM F. CONNOLLY, U.S.D.C.J.

- - -

APPEARANCES:

FARNAN LLP  
BY: BRIAN E. FARNAN, ESQ.

-and-

Valerie J. Gunning  
Official Court Reporter

1 APPEARANCES (Continued):

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

(Proceedings commenced in the courtroom,  
beginning at 9:00 a.m.)

THE COURT: Good morning. Please be seated.  
Mr. Farnan?

MR. FARNAN: Good morning, Your Honor. Brian  
Farnan on behalf of the plaintiff, and with me today is Matt  
Berry and Andres Healy, both from Susman Godfrey in Seattle,  
Washington.

THE COURT: Thank you. Mr. Smith?

MS. SMITH: Good morning, Your Honor. Rodger  
Smith from Morris Nichols on behalf of the defendant, Ford  
Motor Company.

I'm joined at counsel table by my co-counsel,  
Mike Connor, Natalie Clayton, and Andrew Ligotti. We're  
also joined this morning by Joe Benz, who is chief IP  
counsel at Ford.

THE COURT: All right. Thank you very much.

MS. SMITH: Thank you.

THE COURT: All right. Do you want to all start  
with the claim terms I understand. Right?

MR. HEALY: Your Honor, may Mr. Farnan approach  
to hand you up our slide deck?

1 THE COURT: Sure.

2 (Mr. Farnan handed a slide deck to the Court.)

3 THE COURT: Go ahead.

4 MR. HEALY: Thank you, Your Honor. Before  
5 turning to the first term in dispute, and I would note for  
6 the record that we jointly filed something yesterday that  
7 should set forth what we had requested, an order of claim  
8 terms in which to discuss the terms. I just want to  
9 double-check that that is acceptable for Your Honor.

10 THE COURT: For right now, you can start with  
11 claim E, yes.

12 MR. HEALY: Claim?

13 THE COURT: I thought you wanted to begin with  
14 claim term E.

15 MR. HEALY: Yes. Before turning to the first  
16 dispute, I would like to provide the Court with a little bit  
17 of background because I think it's helpful to understanding  
18 claim term E.

19 Number one, there are four patents in dispute,  
20 the '839, the '519, the '166 and the '826. Each of these  
21 patents is owned by MIT. Each of these patents continues  
22 from and shares a common specification with U.S. Application  
23 No. 10/991,774. That application was filed in November of  
24 2004, eventually issued. And for purposes of today, Your  
25 Honor, we have cited it because each of the patents shared

1 the specification with that application which was submitted  
2 as Exhibit 1. All of our references are to Exhibit 1 for  
3 the Court's convenience.

4 Each of these patents was invented by the same  
5 group of three inventors, Dr. Daniel Cohn, Dr. Leslie  
6 Bromberg and Dr. John Heywood. Each of these inventors are  
7 employed by MIT. They're pictured here on the left.

8 Collectively, they spent roughly ten decades --

9 THE COURT: Let's go right to the merits.

10 MR. HEALY: Yes, Your Honor.

11 THE COURT: You want to give me background  
12 technology. I don't need to know about the inventors'  
13 background.

14 MR. HEALY: Yes, Your Honor. Did you say you  
15 wanted to discuss background technology, Your Honor?

16 THE COURT: To the extent you think it's  
17 necessary. It's pretty basic relative to a lot of  
18 technology we see here. I think perhaps one term presents  
19 me with some questions, but I think a lot of this is very  
20 straightforward.

21 MR. HEALY: Absolutely, Your Honor. We'll turn  
22 right to the terms.

23 Claim term E, fuel that is directly injected,  
24 number one. There's certainly a number of versions of this  
25 claim term, but this is the core and the crux of this

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