

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

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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

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1 APPEARANCES (Continued):

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SUSMAN GODFREY LLP
BY: MATTHEW R. BERRY, ESQ. and
ANDREW C. HEALY, ESQ.
(Seattle, Washington)

Counsel for Plaintiff

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
BY: RODGER D. SMITH, II, ESQ.

-and-

ALSTON & BIRD LLP
BY: MICHAEL S. CONNOR, ESQ.,
NATALIE C. CLAYTON, ESQ. and
ANDREW J. LIGOTTI, ESQ.
(Atlanta, Georgia)

Counsel for Defendants

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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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