

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

4	JAGUAR LAND ROVER LIMITED,)	
)	
5	Plaintiff,)	
	v.)	Civil Action No.:
6)	2:18cv320
	BENTLEY MOTORS LIMITED,)	
7)	
	Defendant.)	

TRANSCRIPT OF VIDEO CONFERENCE PROCEEDINGS

(Markman Hearing)

Norfolk, Virginia
May 21, 2020

BEFORE: THE HONORABLE MARK S. DAVIS
United States District Judge

1 Appearances: (Via Zoomgov Videoconference)

2 LATHAM & WATKINS, LLP

3 By: MATTHEW JOHN MOORE
4 CLEMENT JOSEPH NAPLES
5 GABRIELLE LaHATTE

6 -- and --

7 TROUTMAN SANDERS LLP

8 By: ROBERT ARMISTEAD ANGLE
9 LAURA ANNE KUYKENDALL
10 Counsel for Plaintiff

11 HAUG PARTNERS LLP

12 By ROBERT COLLETTI
13 GEORGE REITBOECK
14 EDGAR HAUG

15 -- and --

16 WILEY REIN LLP

17 By: KRYSTAL BRUNNER SWENDSBOE
18 ATTISON LEONARD BARNES, III
19 Counsel for Defendant

20 ALSO PRESENT: Matt Holmes, Jaguar Corporate Representative
21 Phil Baker

22 [Public Access to hearing via telephonic bridge.]

23 I N D E X

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"a relatively hlg degree of wheel slip under braking"	126/129

P R O C E E D I N G S

(Proceedings commenced at 10:41 a.m. as follows:)

COURTROOM DEPUTY CLERK: In Case No. 2:18cv320, Jaguar Land Rover, Limited v. Bentley Motors, Limited, et al.

Counsel for the plaintiff, are you ready to proceed?

MR. COLETTI: Yes, Ms. Ward, we are.

Yes, Your Honor.

THE COURT: Good morning.

MR. MOORE: Good morning.

THE COURT: Mr. Moore, could you introduce yourself and --

MR. MOORE: Yes, thank you. Your Honor, my name is Matt Moore, I'm on behalf of Jaguar Land Rover from the law firm of Latham & Watkins. Also with me on the line are Clem Naples and Gabrielle LaHatte from Latham & Watkins, as well as Shannon Fury and Dan Holiday that will help with technical issues, and as well as my client, Matt Holmes from Jaguar Land Rover in the UK, and Phil Baker, who is a patent attorney for Jaguar Land Rover.

THE COURT: All right. Thank you, Mr. Moore.

COURTROOM DEPUTY CLERK: Counsel for the defendant, are you ready to proceed?

MS. SWENDSBOE: Yes, Your Honor. Good morning.

1 Krystal Swendsboe on behalf of Bentley.

2 THE COURT: Good morning.

3 MS. SWENDSBOE: And I have colleagues from Haug
4 Partners in New York, Rob Coletti, Ed Haug, Georg Reitboeck, and
5 Carol DeBonis will be assisting as well, and my colleague
6 Attison Barnes is listening too.

7 THE COURT: All right. It's good to have everyone
8 with us this morning.

9 We, of course, are here for our *Markman* hearing, and
10 this hearing was originally scheduled for March 20, 2020, but it
11 was continued and rescheduled due to the COVID-19 pandemic and
12 is now being conducted by video conference based on the findings
13 set out in the Court's General Order 2020-09. Additionally, as
14 outlined in General Order 2020-11, the audio stream of this
15 proceeding is available to the public through toll-free
16 telephone conferencing.

17 Before we get started, I want to iterate, reiterate to
18 all those participating in this video conference and all of
19 those people listening to the audio stream by telephone, that
20 our court's rules strictly forbid the operation of any video or
21 audio recording device or the taking of photographs during this
22 proceeding. All participants and observers are instructed that
23 they may not record, rebroadcast, live-stream or otherwise
24 disseminate any of the audio or video from today's hearing.

25 Now, for the representatives from Jaguar Land Rover

1 and Bentley Motors that are here today, I want to inform you
2 that if at any time during today's hearing you need to speak
3 with your attorney, you can just speak up and tell us, or if
4 your microphone is muted, you can raise your hand if the video
5 is on. We that can see you signaling, and then my courtroom
6 deputy who is hosting this video conference, can place you and
7 your attorney in a private break-out video session if need be.
8 That would be a virtual separate room where the rest of us
9 cannot see you or hear you talk. After you have the chance to
10 speak privately with your attorney, you and your attorney can
11 come back to the group when you're ready if that is how you want
12 to proceed.

13 Finally, while we do not anticipate having any
14 technological issues tunnel today, if either party does begin to
15 experience significant issues with the video conference, please
16 do bring it to the Court's attention right away.

17 As per the order entered on March 12, 2020 regarding
18 this hearing, each party is allotted 75 minutes to present their
19 arguments, with each party using their allotted time as they see
20 fit. There are five terms to be discussed during this hearing.
21 The parties will present their arguments on a term-by-term basis
22 and in the following order, as I understand it:

23 One, driving surface; two, off-road; three, vehicle
24 subsystem; four, suitable; and 5, a relatively high degree of
25 wheel slip under braking. Plaintiff Jaguar Land Rover shall

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