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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PALO ALTO NETWORKS, INC.,)	Case No. 19-cv-02471-WHO
)	
Plaintiff,)	San Francisco, California
)	Courtroom 2, 17th Floor
v.)	Tuesday, August 20, 2019
)	
PACKET INTELLIGENCE LLC,)	
)	
Defendant.)	
_____)	

TRANSCRIPT OF CASE MANAGEMENT CONFERENCE
BEFORE THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For Plaintiff:	JAMES R. BATCHELDER, ESQ. ANDREW T. RADSCH, ESQ. Ropes & Gray LLP 1900 University Avenue, Sixth Floor East Palo Alto, California 94303-2284 (650) 617-4763
For Defendant:	BRIAN A.E. SMITH, ESQ. Bartko Zankel Bunzel & Miller One Embarcadero Center, 8th Floor San Francisco, California 94111 (415) 956-1900
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Proceedings recorded by electronic sound recording; transcript produced by transcription service.

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1 SAN FRANCISCO, CALIFORNIA TUESDAY, AUGUST 20, 2019 2:25 P.M.

2 --oOo--

3 THE CLERK: Calling Civil Matter 19-2471, Palo Alto
4 Networks, Inc. v. Packet Intelligence LLC. Counsel, please come
5 forward and state your appearance.

6 MR. BATCHELDER: Good afternoon, Your Honor. For Palo
7 Alto Networks, James Batchelder from Ropes & Gray. With me is my
8 partner, Andrew Radsch. And from Palo Alto Networks, we have
9 senior counsel Rachita Aguilar (ph).

10 THE COURT: All right. Welcome.

11 MR. SMITH: For the Plaintiff (sic), Brian Smith and
12 Corby Vowell.

13 MR. VOWELL: Good afternoon, Your Honor.

14 THE COURT: Good afternoon. All right. So, first, is
15 there any question about relating the case that was filed against
16 Juniper Networks?

17 MR. SMITH: From the Plaintiff's perspective, we think
18 it makes total sense to do that, Your Honor.

19 THE COURT: Okay.

20 MR. BATCHELDER: We have no objection to having those
21 cases be related, Your Honor. But we would object to
22 consolidation. My understanding is that Complainant has not even
23 been served yet. I think it's represented in the complaint that
24 Packet Intelligence had accused Juniper of infringement before our
25 complaint was even filed, and so they waited over three months to

1 actually file suit.

2 So consolidating at this stage would slow us down in ways
3 that we're not --

4 THE COURT: Okay. Well, so let's see. I know nothing
5 about the cases other than that they were filed and they seem to
6 be on the same paths and represented to be the same clients. And
7 so figuring out what the schedule should be, we'll wait until
8 Juniper Networks is in gear. And I think what I'll probably do is
9 try to have a case management conference that has both -- both
10 cases together in about four months or so, and then we'll see --
11 we'll see how they ought to be handled.

12 MR. BATCHELDER: Thank you, Your Honor.

13 MR. SMITH: Thank you, Your Honor.

14 THE COURT: Okay. Now, you indicated that you're
15 basically ready for mediation now; right? -- in October?

16 MR. BATCHELDER: We targeted September, Your Honor.
17 That was on page 9 of our statement in Section 12, and you'll see
18 that it was -- and the parties agreed that that timing would work,
19 provided that the September 3rd deadline for infringement
20 contentions is met. So we have those in hand and we think that
21 would then give us the basis that we feel that some kind of
22 mediation -- we have agreed to use a magistrate judge if one is
23 available.

24 THE COURT: Oh, that was nice of you to agree to that.
25 I'm not going to appoint a magistrate judge at this point to do

1 that. We have a -- if you want to use one of the panel attorneys
2 from the ADR Unit, they are knowledgeable and -- and if you're
3 ready to talk seriously, I think they do a good job.

4 Down the road, you will definitely be able to have a
5 magistrate judge. But they've got a lot on their plates and I
6 just -- I don't appoint people that early.

7 MR. BATCHELDER: I understand. I know how busy they
8 are.

9 MR. SMITH: And I would just add, Your Honor, that the
10 parties met informally on a couple of occasions prior to -- prior
11 to setting the schedule, and we essentially agreed amongst
12 ourselves that we would -- we needed this additional information
13 -- some early discovery. Both sides have served written discovery
14 and I think those are due within the next two to three weeks and
15 we plan on, as the Plaintiff -- well, as the Counter-Claimant here
16 -- producing a significant number of documents from past
17 litigations. So -- which would include things like all the
18 documents that were collected in those earlier cases from the
19 original owners of the patents, the deposition transcripts of each
20 of the inventors, things like that.

21 So they'll get all that information early and the parties
22 thought it made sense, once we exchange this initial information
23 and infringement contentions, to then see if there's an
24 opportunity to resolve it.

25 THE COURT: Okay. So instead -- so I'm happy to refer

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