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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, January 7, 2020
	)	
PACKET INTELLIGENCE LLC,	)	
	)	
Defendant.	)	
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PACKET INTELLIGENCE LLC,	)	Case No. 19-cv-04741-WHO
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JUNIPER NETWORKS, INC.,	)	
	)	
Defendant.	)	
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TRANSCRIPT OF CASE MANAGEMENT CONFERENCE  
BEFORE THE HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For Plaintiff Palo Alto Networks, Inc.:	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
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1 SAN FRANCISCO, CALIFORNIA TUESDAY, JANUARY 7, 2020 2:17 P.M.

2 --oOo--

3 THE CLERK: Calling Civil Matter 19-2471, Palo Alto  
4 Networks, Inc. v. Packet Intelligence LLC and Case Number 19-4741,  
5 Packet Intelligence LLC v. Juniper Networks, Inc.

6 MR. BATCHELDER: Good afternoon, Your Honor. James  
7 Batchelder and Andrew Radsch, Ropes & Gray, on behalf of Palo Alto  
8 Networks. We also have with us Associate General Counsel George  
9 Simion.

10 THE COURT: Great. Welcome.

11 MR. ALLGOOD: Good afternoon, Your Honor. Adam Allgood,  
12 Alan Fisch, and Ken Fung, Fisch Sigler, on behalf of Juniper  
13 Networks.

14 THE COURT: Great.

15 MR. VOWELL: Good afternoon, Your Honor. Corby Vowell  
16 on behalf of the Plaintiff Packet Intelligence LLC, and with me is  
17 -- I'll let him introduce himself.

18 MR. SMITH: Brian Smith.

19 MR. VOWELL: And we also have a client rep with us  
20 today, Ron Moore.

21 THE COURT: Hello. Welcome. All right. So I called  
22 both of these cases together because the scheduling is going to be  
23 pretty closely together. And let me start talking about the --  
24 the Palo Alto/Packet matter.

25 So Palo Alto is instituting IPR. What's the -- when will we

1 know whether it's actually instituted by --

2 MR. BATCHELDER: We intend to file this month, Your  
3 Honor. So we'll know within six months of filing.

4 THE COURT: Okay. All right. So as step two, it does  
5 seem to make sense to do the claim construction hearing together  
6 and -- which I think then is going to require the claim  
7 construction hearing be pushed back from what we had originally  
8 anticipated. And so my -- what I'm thinking is that we would do  
9 the -- the hearing on June 19th and the tutorial on June 15th.

10 Okay. So then the next thing is the -- are the trial  
11 calendars for each of these cases. And from the Plaintiff's  
12 perspective, should we -- how closely should we schedule these  
13 cases? I guess they can't be or shouldn't be done by the same  
14 jury, or maybe they should. Tell me what you're thinking.

15 MR. VOWELL: So, Your Honor, we certainly believe that  
16 there should be separate juries and that these should be separate  
17 trials and it's our preference that they not be back-to-back  
18 trials. I think it makes sense for there to be at least a couple  
19 months in between I think for both of the parties to see what  
20 happens in the first trial 'cause it may impact what would happen  
21 in the second trial for both the Plaintiff and Defendant.

22 So as the schedule was currently set, there's about I think  
23 four and a half months in between the two different trial dates.  
24 Certainly they could be closer than that, but we do believe there  
25 should still be at least a little bit of separation.

1 THE COURT: A little separation. Okay. All right. So  
2 scheduling is very complicated, and you can see I'm very new tech  
3 in the way that I look at these things.

4 So if the -- given the claim construction hearing date that  
5 I've set, the -- I am now looking at the CMC on -- in the Juniper  
6 case on page 14. And I think the dates would be adjusted as  
7 follows. But, again, if you're -- if you decide together that  
8 there are better dates than the ones that I'm giving you, just  
9 give me a stipulation. But, otherwise, these dates would control.

10 The exchange of claim terms would be March 6th. The exchange  
11 of preliminary claim constructions March 20th. The joint claim  
12 construction and pre-hearing statement March 30th. The completion  
13 of claim construction discovery May 1st. The opening brief from  
14 Packet May 15. The responding constructions May 22. The reply  
15 June 1.

16 And then the tutorials June 15 and the hearing June 19th.

17 So then if you assume that it will take me about a month to  
18 do the ruling, that gets us to towards the end of July. And from  
19 the end of July to the proposed close of discovery date is about  
20 five months. It seems like a reasonable amount of time.

21 Does -- does Plaintiff think that it's going to take less  
22 time to do discovery in this case?

23 MR. VOWELL: So just to be clear, I think right now  
24 you're looking at the date from the Juniper schedule?

25 THE COURT: That's correct.

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