

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

PARUS HOLDINGS INC.	*	August 21, 2020
	*	
VS.	*	CIVIL ACTION NOS.
	*	
APPLE INC.	*	W-19-CV-432
GOOGLE LLC	*	W-19-CV-433
SAMSUNG ELECTRONICS ET AL	*	W-19-CV-438
AMAZON.COM, INC.	*	W-19-CV-454

BEFORE THE HONORABLE ALAN D ALBRIGHT, JUDGE PRESIDING
MARKMAN HEARING (VIA ZOOM)

APPEARANCES:

For the Plaintiff:	Andrea L. Fair, Esq. Claire Abernathy Henry, Esq. Ward, Smith & Hill, PLLC PO Box 1231 Longview, TX 75606
	Andrew H. DeVoogd, Esq. Michael J. McNamara, Esq. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. One Financial Center Boston, MA 02111
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For Defendant Google:	Paige Arnette Amstutz, Esq. Scott, Douglass & McConnico, LLP 303 Colorado Street, Suite 2400 Austin, TX 78701

Parus Exhibit 2017

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25

1 (August 21, 2020, 10:05 a.m.)

2 MS. MILES: Markman hearing in Civil Action 6:19-CV-432,
3 styled Parus Holdings Incorporated versus Apple Incorporated
4 and others.

5 THE COURT: If I could hear announcements from counsel
6 starting with the plaintiff, please.

7 MS. HENRY: Good morning, Your Honor. Claire Henry of
8 Ward, Smith and Hill on behalf of the plaintiff. I'm joined
9 today by my co-counsel from Mintz Levin Mr. Drew DeVoogd and
10 Mike McNamara. Mr. DeVoogd -- excuse me, Your Honor.

11 THE COURT: You took the words out of my mouth. Who will
12 be speaking?

13 MS. HENRY: Mr. DeVoogd and Mr. McNamara will be handling
14 the arguments today.

15 THE COURT: Okay. Thank you, ma'am.

16 MS. HENRY: Thank you.

17 THE COURT: And next up -- I'm just going to do this in
18 the order of people I can see on the screen.

19 Mr. Jones, who are you representing?

20 MR. JONES: Your Honor, I represent Samsung, together with
21 Ms. Victoria Maroulis, Mr. Kevin Johnson, Marissa Ducca and
22 Joshua Scheufler. And also on the phone from Samsung itself is
23 Mr. Jong Choi, and, Your Honor, the argument for Samsung will
24 be made by Mr. Kevin Johnson.

25 THE COURT: Mr. Johnson, good morning. I haven't seen you

1 in forever, but welcome virtually to my court, and I want to
2 thank the person from Samsung for making time to be with us. I
3 appreciate that very much.

4 Mr. Ravel?

5 MR. RAVEL: Your Honor, Steve Ravel for Apple. With us
6 this morning from our client are Natalie Pous and Ben Huh.
7 From Morrison and Foerster are Bitra Rahebi, Hector Gallegos,
8 Rose Lee and Matt Callahan, and Mr. Gallegos will be taking the
9 lead today.

10 THE COURT: Okay. Give me one second to write that down.

11 Ms. Amstutz?

12 MS. AMSTUTZ: Good morning, Your Honor. Paige Amstutz for
13 Google. With me are Darin Snyder and Bill Trac from O'Melveny
14 and Myers. We are also joined by our client representative
15 from Google Mr. Timur Engin, and Mr. Snyder will lead the
16 argument for Google.

17 THE COURT: Always a great day when I hear from my friend
18 Darin Snyder.

19 MR. SNYDER: Thank you, Your Honor.

20 THE COURT: And Mr. Shelton?

21 MR. SHELTON: Good morning, Your Honor. Barry Shelton for
22 Amazon. Mr. David Hadden will be arguing on behalf of Amazon
23 today, and he will introduce the other members for Amazon.

24 THE COURT: Okay.

25 MR. HADDEN: Good morning, Your Honor. Dave Hadden.

1 Dargaye Churnet from my office of Fenwick will be joining as
2 will Scott Sanford, in-house counsel at Amazon.

3 THE COURT: Okay. And thanks to everyone who is in-house
4 counsel or a corporate representative. I think that gets
5 everyone, but if there's anyone who's appearing that I have not
6 heard from, please let me know at this time.

7 Okay. I'm starting to like this Zoom stuff. I'm starting
8 to figure it out.

9 Okay. It is my understanding that the first claim term
10 that we are to take up this morning is "voice enabled device."
11 The Court's preliminary construction is plain and ordinary
12 meaning, where the plain and ordinary meaning is not limited to
13 wireline or wireless telephone, IP phone, wireless PDA, or
14 other wireless device and where the voice enabled device
15 contains an audio input, e.g., a microphone.

16 Let me hear from counsel for plaintiff, I'm going to guess
17 Mr. McNamara, but I might be wrong, about what plaintiff's
18 position is with respect to the Court's preliminary
19 construction.

20 MR. DEVOOGD: Good morning, Your Honor. Drew DeVoogd from
21 Mintz Levin. Can you hear me okay?

22 THE COURT: I can hear you fine. Thank you for asking.

23 MR. DEVOOGD: Thank you, Your Honor.

24 It's Parus' position that the Court's preliminary
25 instruction is acceptable and we're happy to live with it.

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