

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

For Defendant Apple: Bitra Rahebi, Esq.
Hector G. Gallegos, Esq.
Matthew C. Callahan, Esq.
Rose S. Lee, Esq.
Morrison & Foerster LLP
707 Wilshire Blvd., Ste. 6000
Los Angeles, CA 90017-3543

J. Stephen Ravel, Esq.
Kelly Hart & Hallman LLP
303 Colorado Street, Suite 2000
Austin, TX 78701

For Defendant Google: Paige Arnette Amstutz, Esq.
Scott, Douglass & McConnico, LLP
303 Colorado Street, Suite 2400
Austin, TX 78701



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.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.