

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JAMES DONATO, JUDGE

LARGAN PRECISION COMPANY, LTD.,)
)
Plaintiff,)
)
VS.) NO. 20-cv-06607 JD
)
ABILITY OPTO-ELECTRONICS)
TECHNOLOGY COMPANY, LTD., et al.,)
) San Francisco, California
Defendants.)
)
)
_____)

Thursday, January 7, 2021

TRANSCRIPT OF PROCEEDINGS

APPEARANCES: (By Zoom Webinar)

For Plaintiff:

FISCH SIGLER LLP
5301 Wisconsin Avenue NW
Fourth Floor
Washington, D.C. 20015
BY: **ROY WILLIAM SIGLER, ESQ.**
ALAN M. FISCH, ESQ.
JEFFREY M. SALTMAN, ESQ.
LISA N. PHILLIPS, ESQ.

For Defendant HP:

MAYNARD COOPER & GALE, LLC
600 Montgomery Street
Suite 2600
San Francisco, California 94111
BY: **SASHA G. RAO, ESQ.**

Reported By: **BELLE BALL, CSR 8785, CRR, RDR**
Official Reporter, U.S. District Court

(Appearances continued, next page)

APPEARANCES, CONTINUED:

For Defendant Ability Opto-Electronics Technology Co., Ltd.:

JONES DAY
2727 North Harwood Street
Dallas, Texas 75201

BY: KEITH B. DAVIS, ESQ.

JONES DAY
555 California Street
26th Floor
San Francisco, California 94104

BY: THARAN GREGORY LANIER, ESQ.

Also Present:

CHIA-WEN LEE, ESQ.

Reported By: **BELLE BALL, CSR 8785, CRR, RDR**
Official Reporter, U.S. District Court

1 Thursday - January 7, 2021

10:12 a.m.

2 P R O C E E D I N G S

3 **THE CLERK:** Okay. Calling Civil 20-6607, Largan
4 Precision Company, Ltd. versus Ability Opto-Electronics
5 Technology Company, Ltd.

6 Counsel for the plaintiff?

7 **MR. SIGLER:** Good morning, Your Honor. This is Bill
8 Sigler of Fisch Sigler on behalf of Largan Precision. And
9 today, Your Honor, I'm also joined by Ms. Chia-Wen Lee,
10 Largan's in-house counsel who is joining us from Taichung
11 City, Taiwan, as well as my colleagues, Alan Fisch, Jeff
12 Saltman and Lisa Phillips.

13 **THE CLERK:** Counsel for the defendant?

14 **MS. RAO:** This is Sasha Rao with Maynard Cooper &
15 Gale in San Francisco, counsel for HP, Inc.

16 **MR. DAVIS:** Good morning, Your Honor. This is Keith
17 Davis of Jones Day for Ability. And also with me in the
18 gallery is my partner Greg Lanier.

19 **THE COURT:** Okay. All right.

20 So, apparently took some effort, but you are now in the
21 Northern District. So you are going California-ize your case.
22 So yes, all of our local rules are going to apply. We're going
23 to get back on the California track here.

24 So here's what I would like you to do. Oh. So, now,
25 we're waiting for IPR institution decisions that are coming up

1 in a couple of months here, Mr. Sigler?

2 **MR. SIGLER:** That's correct, Your Honor. One of the
3 defendants, AOET, has filed IPR petitions on three of the four
4 patents here. There's -- the fourth patent, there's been no
5 IPR petition filed on. And the statutory time bar for filing
6 one is passed.

7 Decisions on those IPRs, on the first two are expected by
8 February 23rd, and on the third one it is expected by
9 March 18th.

10 **THE COURT:** Okay. And for the three that have a
11 petition pending, it's all the claims in suit would be taken
12 up by the PTAB, if they grant it?

13 **MR. SIGLER:** Your Honor, that's the case for two of
14 the patents. On the third patent, there is one claim that is
15 not covered, is my understanding.

16 **THE COURT:** Okay. All right. Okay. So, I don't
17 stay pending institution decisions. But I do take a good look
18 at a stay after IPR is instituted.

19 I'll tell you, I'll tip my hand a little bit, because I
20 think it's going to streamline your case management. If PTAB
21 takes up all of the claims in two those patents and most of the
22 third patent, I think the odds of stay are fairly high. I'm
23 not guaranteeing it, but I think it's fairly likely. So keep
24 that in mind as you work your way through the next 90 days.

25 What I would like you to do is submit a case management --

1 proposed case management order, based on our local patent
2 rules. Things that are done should be done. Now, I'm going
3 footnote claim construction because we're going to talk about
4 that in a minute. But everything else should be done.

5 I know the Eastern District of Texas patterned their local
6 rules on ours, but they're sufficiently different that we're
7 going to -- we're going to comply with our local rules.

8 Please, make sure you read my standing orders on discovery
9 and patent cases, as well. All right? So you've got factor
10 that in. So, factor that in to the patent local rules.

11 Now, give yourself some time for discovery. You know,
12 give yourself six or eight months.

13 I guess you've all done -- there's something that happens
14 in Texas where you voluntarily share things, and you haven't
15 done any RFPs, but we don't do that out here as much. So give
16 you some time to finish discovery, and get that done.

17 You know, with respect to claim construction, I am not
18 willing to tie my hands to what happened in the Eastern
19 District. So you all need to go back -- I know it's going to
20 be a little more work, but you should go back and work out a
21 new claim construction process.

22 The tutorial, by the way, is an essential part of my
23 handling of a claim construction, particularly in cases like
24 this. And I need to have an interactive tutorial. You know,
25 canned films are not going to do it for me.

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.