

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

PARKERVISION, INC.) Docket No. WA 20-CA-108 ADA
)
vs.) Waco, Texas
)
INTEL CORPORATION) September 2, 2020

TRANSCRIPT OF VIDEOCONFERENCE MOTION HEARING
BEFORE THE HONORABLE ALAN D. ALBRIGHT

APPEARANCES:

For the Plaintiff: Mr. Jason S. Charkow
Mr. Ronald M. Daignault
Mr. Chandran B. Iyer
Goldberg Segalla, LLP
711 Third Avenue, Suite 1900
New York, New York 10017

Ms. Stephanie R. Mandir
Goldberg Segalla, LLP
Reston Town Center
11921 Freedom Drive, 5th Floor
Reston, Virginia 20190

Mr. Raymond W. Mort, III
The Mort Law Firm, PLLC
100 Congress Avenue, Suite 2000
Austin, Texas 78701

For the Defendant: Mr. James E. Wren, III
Baylor University Law School
One Bear Place #97288
Waco, Texas 76798

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

1 (Appearances Continued:)

2 For the Defendant: Mr. Jason Choy
3 Wilmer, Cutler, Pickering,
4 Hale and Door, LLP
5 350 South Grand Avenue,
6 Suite 2400
7 Los Angeles, California 90071

8 Ms. Sarah B. Petty
9 Mr. Michael Summersgill
10 Wilmer, Cutler, Pickering,
11 Hale and Door, LLP
12 60 State Street
13 Boston, Massachusetts 02109

14 Court Reporter: Ms. Lily Iva Reznik, CRR, RMR
15 501 West 5th Street, Suite 4153
16 Austin, Texas 78701
17 (512) 391-8792

18
19
20
21
22
23
24
25 Proceedings reported by computerized stenography,
transcript produced by computer-aided transcription.

*LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)*

1 THE COURT: Good afternoon.

2 MR. WREN: Good afternoon, your Honor.

3 THE COURT: Suzanne, would you be so kind --

4 MR. DAIGNAULT: Good afternoon, Judge.

14:02:57 5 THE COURT: Would you call the case, please?

14:02:57 6 THE CLERK: Sure.

14:02:59 7 Motion hearing in Civil Action W-20-CV-108,

14:03:02 8 styled, ParkerVision, Incorporated vs. Intel Corporation.

14:03:07 9 THE COURT: If I could hear from counsel of

14:03:09 10 record, please, starting with the plaintiff, whoever will

14:03:12 11 be speaking during this hearing.

14:03:14 12 MR. DAIGNAULT: Good afternoon, your Honor.

14:03:15 13 This is Ron Daignault from Goldberg Segalla for

14:03:18 14 the Plaintiff ParkerVision. And with me today are also

14:03:22 15 Jeff Parker, the CEO of ParkerVision, along with Chandran

14:03:28 16 Iyer, Jason Charkow, Ray Mort and Stephanie Mandir.

14:03:31 17 THE COURT: Welcome to all of you, especially

14:03:33 18 your client. I appreciate him taking the time to attend.

14:03:38 19 MR. PARKER: Thank you. Good afternoon.

14:03:40 20 MR. WREN: Your Honor, Jim Wren here for Intel.

14:03:43 21 I want to introduce from Wilmer Hale, Michael Summersgill,

14:03:49 22 Jason Choy and Sarah Petty. I also want to introduce from

14:03:54 23 Intel, Kim Schmitt, Brad Waugh and Lien Dang.

14:03:58 24 And, your Honor, conspicuously missing in action

14:04:01 25 today is Steve Ravel, who encountered a hopefully brief

*LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)*

14:04:08 1 health issue this week and for whom I am subbing in. Mr.
14:04:12 2 Ravel is doing well, sends his regards to the Court and
14:04:16 3 opposing counsel.

14:04:17 4 And Mr. Summersgill will be taking the lead for
14:04:21 5 Intel today, and then, I'll join in on some brief points.

14:04:24 6 THE COURT: We missed Mr. Ravel yesterday, as
14:04:26 7 well. So I hope he is -- let him know, I hope he's
14:04:30 8 feeling better.

14:04:32 9 MR. WREN: I will. Thank you, Judge.

14:04:33 10 THE COURT: Okay. Let me tell you part of the
14:04:35 11 reason -- the primary reason I set this. We have done a
14:04:41 12 lot of work already on this motion. I think we feel like
14:04:44 13 we're in pretty good shape, generally speaking, on what
14:04:49 14 you all submitted. The briefs as usual are terrific. But
14:04:54 15 what I don't know is -- other than every other citizen in
14:05:01 16 the United States is what the current status is of the
14:05:05 17 courts in Oregon.

14:05:08 18 And I think it is -- I would like to hear first,
14:05:12 19 I guess, from the defendants since it's their motion to
14:05:15 20 transfer. I'd like to hear first whether or not counsel
14:05:20 21 knows what the current situation is regarding the docket
14:05:24 22 of the federal court where you're seeking this to be
14:05:29 23 transferred to and the impact. I don't know -- I feel
14:05:35 24 kind of ignorant other than seeing the news. But it seems
14:05:39 25 to me as a casual observer that with a hundred nights in a

*LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)*

14:05:43 1 row of protests and violence, that that has to have had
14:05:48 2 some impact on the judiciary and what's happening in
14:05:52 3 Portland. But I could be totally wrong. That might just
14:05:55 4 be surmise on my side.

14:05:56 5 So what I'd like to hear if counsel from either
14:05:58 6 side knows, and I'll start with counsel for defendant who
14:06:01 7 is the movant, if you know whether or not the -- what the
14:06:05 8 status of the federal courts are and how the last 100 days
14:06:10 9 or longer has impacted what they're doing with their civil
14:06:14 10 docket.

14:06:15 11 MR. SUMMERSGILL: Your Honor, this is Michael
14:06:17 12 Summersgill.

14:06:19 13 Thank you for holding the hearing. And the way
14:06:21 14 Mr. Wren and I had divided the issues is that I was going
14:06:24 15 to focus more on the private interest factors, and he was
14:06:28 16 going to focus on the public interest factors. But I have
14:06:31 17 spent a fair amount of time in Portland, so I thought I'd
14:06:34 18 like a crack at this. And then, if Mr. Wren has
14:06:36 19 additional thoughts, he could add them.

14:06:39 20 That the court up in Portland is one that we've
14:06:45 21 been before a number of times. There are currently 14
14:06:50 22 patent cases pending up there. So it's a relatively light
14:06:56 23 load. The judges up there are very experienced with
14:06:58 24 patent cases, though, despite the relatively light load.

14:07:04 25 I'm not aware of the protests having any impact

*LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)*

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.