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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

STRATOSAUDIO, INC.) Docket No. WA 20-CA-1128 ADA
)
vs.) Waco, Texas
)
SUBARU OF AMERICA, INC.) August 31, 2022

TRANSCRIPT OF VIDEOCONFERENCE MOTIONS HEARING
BEFORE THE HONORABLE DEREK T. GILLILAND
*** Sealed ***

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25 Proceedings reported by digital sound recording,
transcript produced by computer-aided transcription.

1 (Proceedings commence at 1:33 p.m.)

2 THE COURT: We're here on several motions and I'm
3 going to start by asking Ms. Copp to call the case.

4 THE CLERK: Yes, your Honor.

5 Calling Case No. WA-20-CV-1128, styled,
6 StratosAudio, Incorporated vs. Subaru of America,
7 Incorporated. Called for sealed motions hearing.

8 THE COURT: All right. Could I get announcements
9 starting with the plaintiff. Anybody here from the
10 plaintiff?

11 MR. LAMBERSON: Good morning, your Honor.

12 Jonathan Lamberson for Plaintiff StratosAudio.
13 With me today is Jeff Park, Michael Songer, Dan Sternberg,
14 Hallie Kiernan and Henry Huang.

15 THE COURT: All right. Very good. Good to see
16 all of you today.

17 And on behalf of defendants, please.

18 MR. GUARAGNA: Good afternoon, your Honor.

19 It's John Guaragna from DLA Piper.

20 THE COURT: All right.

21 MR. GUARAGNA: Along -- good to see you, your
22 Honor. Along with me, we have Mr. Paul Steadman and Matt
23 Satchwell, also from DLA paper, and the three of us will
24 be the primary speakers today.

25 THE COURT: All right. Very good.

1 I know we had sent kind of the Court's
2 preliminary thoughts shortly before lunch, and so, you
3 kind of saw the order that we had laid the motions out in
4 in that chart. I don't know if you want to take them in
5 that order, if the parties want to address them in a
6 different order.

7 MR. GUARAGNA: I could maybe speak to that and
8 streamline things a bit, your Honor. John Guaragna from
9 DLA Piper.

10 So, your Honor, with respect to the summary
11 judgment motion and the Court's tentative ruling, I wanted
12 to appraise the Court that yesterday, we had informed the
13 plaintiff that we were withdrawing our defense as to
14 infectious unenforceability on the 307 patent, which I
15 understand the plaintiff agrees mooted that issue with
16 respect to summary judgment. So I think that issue is off
17 the table and the Court need not address it. But if the
18 plaintiff wanted to comment, I could pause there for a
19 moment.

20 THE COURT: Okay. Just if Mr. Lamberson or
21 Songer, Sternberg, somebody'd just confirm that's agreed
22 to.

23 MR. LAMBERSON: I think if -- I think if they're
24 withdrawing it, it is agreed to. The only thing I would
25 point out, it was totally briefed and if the Court's

1 already written it up, I don't -- we don't much care
2 whether it's ordered or dropped. I don't know
3 procedurally whether it matters.

4 THE COURT: Okay. Yeah. If it doesn't matter
5 procedurally to the parties, then we'll just hold that
6 that one is moot and won't issue any further ruling
7 regarding that; and that's with regard to infectious
8 unenforceability of the 307 patent. Okay.

9 MR. GUARAGNA: I'm sorry, your Honor.

10 THE COURT: Oh, go ahead, Mr. Guaragna.

11 MR. GUARAGNA: I just had -- thank you, your
12 Honor. I just had another comment on the summary judgment
13 motion. With respect to the other two grounds on the
14 motion for partial summary judgment, Subaru is willing to
15 rest on the papers and could give the Court back that time
16 for the argument this afternoon.

17 THE COURT: Okay. Perfect. And that's with
18 regard to docket No. 101.

19 MR. GUARAGNA: Correct, your Honor.

20 THE COURT: Correct? Okay. Excellent. Well,
21 we'll issue a ruling on the papers that's along the lines
22 of what we indicated in the chart. And I'm trying to read
23 to catch up with the e-mail. Let's see, now, do we need
24 to hear argument on docket 100 and that being one of the
25 motions to strike the expert opinion?

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