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11:40:38 1 on it.

11:40:38 2           This -- this issue has been left long enough. We  
11:40:43 3 need to get to the answer on this. But I -- I am persuaded  
11:40:47 4 that targeted jurisdictional discovery in the form I've  
11:40:51 5 indicated would be proper and appropriate here and might  
11:40:55 6 shed some light on what both sides admit is a rather  
11:41:03 7 complicated business.

11:41:04 8           All right. I want to next take up the Defendant's  
11:41:06 9 motion to limit the number of asserted claims.

11:41:11 10           I understand you met and conferred on this but  
11:41:13 11 were not able to resolve it. I know from the briefing that  
11:41:20 12 the Plaintiff is at this point asserting over 100 claims.  
11:41:25 13 I know what the schedule of the case is and where we are  
11:41:29 14 with regard to when claim construction will be upcoming.

11:41:35 15           What I'm going to do here -- I really don't need  
11:41:38 16 to hear argument on this. I'm going to order the claims  
11:41:43 17 reduced pursuant to the model order. And the initial date  
11:41:48 18 in the model order is triggered by a date that's already  
11:41:51 19 passed in this case, so I'm going to modify that. But I'm  
11:41:55 20 going to enter the model order, and I'm going to require  
11:41:58 21 the claims to be narrowed.

11:41:59 22           There is absolutely no way that the Plaintiff can  
11:42:02 23 go to trial on a hundred claims or more than a hundred  
11:42:06 24 claims, and that requires a substantial expenditure of  
11:42:11 25 resources by the Defendant that is going to be wasted

11:42:14 1 effectively, and this case is old enough and it's advanced  
11:42:22 2 enough to where we should not be left with in excess of a  
11:42:26 3 hundred live claims still in the case.

11:42:28 4 So I'm going to enter the model order, and you all  
11:42:31 5 are going to narrow the claims.

11:42:33 6 You didn't do it before the motion was filed. You  
11:42:35 7 didn't do it mediating -- or meeting and conferring, I  
11:42:40 8 should say, with each other for most of the morning today.  
11:42:44 9 I'm not persuaded you're going to be able to do it. I  
11:42:46 10 would have preferred you do it. I'm now convinced you  
11:42:48 11 can't or won't do it, and so I'm going to do it for you by  
11:42:51 12 way of the model order. And you should look for a slightly  
11:42:54 13 modified version of that to be entered by the Court  
11:42:57 14 hereafter.

11:42:58 15 You've withdrawn the motion to compel. Those  
11:43:01 16 appear to be the three matters that are -- were set for  
11:43:05 17 hearing today.

11:43:06 18 Is either side aware of anything that was properly  
11:43:08 19 set that the Court's not heard from you on or otherwise  
11:43:10 20 taken up?

11:43:12 21 Are you aware of anything else, Mr. Ray?

11:43:15 22 MR. RAY: No, I'm not, Your Honor.

11:43:16 23 THE COURT: Ms. Auth, are you aware of anything  
11:43:18 24 else?

11:43:18 25 MS. AUTH: No, Your Honor.

11:43:19 1 THE COURT: All right. That will complete the  
11:43:20 2 hearing today. Thank you, counsel, for your presence.  
11:43:23 3 The Court stands in recess.  
11:43:24 4 COURT SECURITY OFFICER: All rise.  
11:43:26 5 (Hearing concluded.)

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