

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT) (
LLC) (CIVIL DOCKET NO.
) (2:17-CV-513-JRG
VS.) (MARSHALL, TEXAS
) (
HUAWEI DEVICE USE INC.,) (AUGUST 8, 2018
ET AL.) (9:03 A.M.

EVIDENTIARY HEARING
BEFORE THE HONORABLE CHIEF JUDGE RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

APPEARANCES:
FOR THE PLAINTIFF : (See Attorney Attendance Sheet docketed
in minutes of this hearing.)
FOR THE DEFENDANTS: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)
COURT REPORTER: Shelly Holmes, CSR-TCRR
Official Reporter
United States District Court
Eastern District of Texas
Marshall Division
100 E. Houston Street
Marshall, Texas 75670
(903) 923-7464
(Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

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

I N D E X

August 8, 2018

	Page
Appearances	1
Hearing	3
Court Reporter's Certificate	78

1 COURT SECURITY OFFICER: All rise.

2 THE COURT: Be seated, please.

3 All right. This is the time set for an evidentiary
4 hearing in regard to AGIS Software Development versus
5 Huawei, et al. This is Civil Case No. 2:17-CV-513.

6 Let me call for announcements on the record.

7 What says the Plaintiff, AGIS Software?

8 MR. BAXTER: Good morning, Your Honor. Sam Baxter
9 and Jennifer Truelove from McKool Smith, and Fred Fabricant
10 and Vincent Rubino. And we're here for the Plaintiff, and
11 we're ready, Your Honor.

12 THE COURT: Thank you, counsel.

13 What says the Defendants?

14 MR. MANN: Good morning, Your Honor. Mark Mann on
15 behalf of LG Electronics, and along with me today are my
16 colleagues, Matt Wolf and Michael Berta. And we're ready to
17 proceed.

18 THE COURT: All right. Any other announcements?

19 Counsel, as you are aware, the Court has set for
20 today an evidentiary hearing based on -- or in relation to
21 Defendant LG's motion to dismiss for want of personal
22 jurisdiction. I've set out exactly what the parameters of
23 openings, presentation of evidence, and closing arguments
24 would be.

25 Before we proceed with this evidentiary hearing,

1 though, my understanding is that most, if not all of the
2 evidence to be presented, is in deposition form. Are there
3 going to be live witnesses called who will testify? And I
4 guess asked another way, is there any chance there may be
5 something presented other than what's in the previously
6 established record, or is this a pro forma exercise for me
7 to watch and listen to what's already been recorded?
8 That's -- that's what I need input on.

9 Mr. Baxter?

10 MR. BAXTER: Your Honor, we do have a live witness
11 who has also executed an affidavit, Mr. Parish, who has
12 bought some of the products out in the Eastern District and
13 in Texas. The Defendants have graciously agreed that we
14 could present an affidavit by Mr. Parish, which we have --
15 which he has executed and we have here to admit into
16 evidence.

17 But if the Court wants to hear that testimony, he's
18 here, and we're certainly willing to proceed with it. I
19 don't think there would be much variance between his
20 testimony and the affidavit, hopefully, and I think they
21 have no objection.

22 MR. WOLF: That's right, Your Honor. For
23 expedience sake, we're happy to have you consider the
24 affidavit as written.

25 THE COURT: And to the extent the Defendants would

1 be waiving the right to cross-examine Mr. Parish and
2 agreeing for the Court to rely on the affidavit and nothing
3 more from this witness, both Plaintiff and Defendant are
4 happy with that?

5 MR. WOLF: Yes, Your Honor.

6 MR. BAXTER: We are, Your Honor.

7 THE COURT: Well, as much as I might like the
8 opportunity to hear Mr. Parish testify live and see him
9 cross-examined, I understand what you're saying.

10 And I gather in addition to Mr. Parish, everything
11 else is deposition testimony?

12 MR. BAXTER: It is, Your Honor. And what -- what
13 we did is that we designated certain portions of at least
14 two depositions.

15 The Defendants designated their counter points, and
16 we have combined all of that into the playing of one
17 deposition for one witness and a second deposition.

18 The second deposition, there was a translator, Your
19 Honor. We have on the depo clip about three questions in
20 which there's actual translation, a Korean speaker. And
21 then after that, Your Honor, after the Court kind of got a
22 flavor of that, we simply went and cut out the Korean
23 portion and just left the English question and the
24 translator's answer.

25 THE COURT: So it starts out with the full

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.