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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AGIS SOFTWARE DEVELOPMENT LLC,) C-22-04826 BLF
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.) MARCH 1, 2023
)
GOOGLE LLC,) PAGES 1-43
)
DEFENDANT.)
_____)

TRANSCRIPT OF ZOOM PROCEEDINGS
BEFORE THE HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: FABRICANT LLP
BY: VINCENT J. RUBINO, III
411 THEODORE FREMD ROAD, SUITE 260 SOUTH
RYE, NEW YORK 10580

RUSS AUGUST & KABAT
BY: MINNA Y. CHAN
12424 WILSHIRE BOULEVARD, 12TH FLOOR
LOS ANGELES, CALIFORNIA 90025

FOR THE DEFENDANT: O'MELVENY & MYERS LLP
BY: DARIN W. SNYDER
MARK LIANG
TWO EMBARCADERO CENTER, 28TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

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SAN JOSE, CALIFORNIA MARCH 1, 2023

P R O C E E D I N G S

(ZOOM PROCEEDINGS CONVENED AT 11:03 A.M.)

THE CLERK: OKAY, YOUR HONOR, I BELIEVE WE ARE READY TO BEGIN.

THE COURT: GOOD MORNING, EVERYONE. WELCOME.

WE'RE GOING TO CALL BOTH OF THESE CASES TOGETHER, AND THEN I'LL GET YOUR APPEARANCES.

THE CLERK: CALLING CASE 22-4826, AGIS SOFTWARE DEVELOPMENT LLC, VERSUS GOOGLE, LLC; AND CASE 22-4827, AGIS SOFTWARE DEVELOPMENT LLC, VERSUS WAZE MOBILE LIMITED.

COUNSEL, IF YOU COULD PLEASE STATE YOUR APPEARANCES, AND IF WE COULD BEGIN WITH PLAINTIFF AND THEN MOVE TO DEFENDANTS.

MS. CHAN: GOOD MORNING, YOUR HONOR.

MINNA CHAN AND VINCENT RUBINO ON BEHALF OF THE PLAINTIFF, AGIS SOFTWARE DEVELOPMENT.

THE COURT: GOOD MORNING.

MR. SNYDER: GOOD MORNING, YOUR HONOR.

DARIN SNYDER OF O'MELVENY & MYERS ON BEHALF OF DEFENDANTS GOOGLE AND WAZE.

ALSO APPEARING FROM O'MELVENY & MYERS IS MR. MARK LIANG.

THE COURT: WELCOME. GOOD TO SEE YOU ALL.

ALL RIGHT. FIRST OF ALL, I AM SORRY THAT WHEN THIS CASE WAS TRANSFERRED FROM E.D. TEX THAT IT DID NOT GET SCHEDULED FOR A CASE MANAGEMENT CONFERENCE. I APPRECIATE THAT YOU PROMPTED

1 OF COURSE I ONLY SEE THESE, THE ITC ISSUE, WHEN THERE IS A
2 REQUEST FOR A STAY. I DON'T STICK MY NOSE UNDER THE TENT
3 OTHERWISE.

4 ALL RIGHT. WELL, I AM GOING TO NEED YOU TO COMPLY WITH
5 OUR PATENT LOCAL RULES, AND OF COURSE THEY START WITH THE
6 INITIAL CASE MANAGEMENT CONFERENCE, WHICH IS TECHNICALLY WHAT
7 THIS IS IN THIS COURT.

8 BUT I THINK YOU CAN ALL PROBABLY CATCH UP PRETTY QUICKLY
9 ON THAT PART OF IT.

10 LET ME JUST SAY AT THE OUTSET -- AND IT IS AT MR. SNYDER'S
11 SUGGESTION, I THINK IT'S A GOOD ONE -- I'M GOING TO TERMINATE
12 ALL PENDING MOTIONS WITHOUT PREJUDICE.

13 I ONLY ALLOW ONE SUMMARY JUDGMENT MOTION PER SIDE IN THE
14 LIFE OF THE CASE. I THINK JUDGE GILSTRAP ALLOWS THEM TO BE
15 SUBMITTED IN BITE-SIZED PIECES, AND I JUST DON'T DO THAT.

16 AND SO -- AND I COULD TELL FROM THE STATEMENTS, MR. SNYDER
17 IS FAMILIAR WITH MY STANDING ORDERS AND HAS MADE SUGGESTIONS IN
18 ACCORDANCE WITH THOSE STANDING ORDERS, SO THANK YOU FOR DOING
19 THAT. THAT'S APPRECIATED.

20 BUT THIS CASE WILL MOVE ALONG MUCH BETTER IF WE DO IT THAT
21 WAY.

22 SO WITH -- I MEAN, THERE ARE A COUPLE OF DIFFERENT TYPES
23 OF MOTIONS. IT SEEMS TO ME THAT EVERYTHING OUGHT TO COME IN
24 THE FORM OF A SUMMARY JUDGMENT MOTION, AND IF GOOGLE AND WAZE
25 WOULD LIKE THAT EARLY, I'LL HAVE A SUGGESTED DATE FOR YOU. IF

1 AND, OF COURSE, I'LL SEE YOU IN PERSON FOR THE TUTORIAL.
2 JUST SO THAT YOU KNOW, I HAVE FOUND THAT ATTORNEY
3 PRESENTATION IS USUALLY MORE EFFECTIVE BECAUSE ATTORNEYS TEND
4 TO BE BETTER COMMUNICATORS THAN MOST EXPERTS.

5 BUT I DON'T RECORD OR REPORT THE TUTORIAL. IT IS JUST FOR
6 MY BENEFIT. I DO LOVE THE SLIDES THAT YOU HAVE. BUT
7 THERE'S -- YOU WILL HAVE NO TRANSCRIPT OF THE PROCEEDING TO USE
8 LATER. I JUST -- THAT'S SO THAT YOU KNOW.

9 ALL RIGHT. IT'LL BE A PLEASURE TO WORK WITH YOU ON THIS
10 CASE, AND I'M SORRY FOR THE DELAY, BUT THAT'S THE EFFECT OF THE
11 TRANSFER, AND WE'LL JUST KEEP THINGS MOVING ALONG.

12 THANK YOU ALL.

13 MR. SNYDER: THANK YOU, YOUR HONOR.

14 MS. CHAN: THANK YOU, YOUR HONOR.

15 MR. RUBINO: THANK YOU, YOUR HONOR.

16 (THE PROCEEDINGS WERE CONCLUDED AT 12:00 P.M.)
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