

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

DEMARAY, LLC ) Docket No. WA 20-CA-634 ADA  
)  
vs. ) Waco, Texas  
)  
INTEL CORPORATION ) April 23, 2021

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

DEMARAY, LLC ) Docket No. WA 20-CA-636 ADA  
)  
vs. ) Waco, Texas  
)  
SAMSUNG ELECTRONICS CO., )  
LTD. (A KOREAN COMPANY), )  
SAMSUNG ELECTRONICS )  
AMERICA, INC., SAMSUNG )  
SEMICONDUCTOR, INC., )  
SAMSUNG AUSTIN )  
SEMICONDUCTOR, LLC ) April 23, 2021

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

APPEARANCES:

For the Plaintiff: Mr. Crawford Maclain Wells  
Irell & Manella, LLP  
1800 Avenue Of The Starts,  
Suite 900  
Los Angeles, California 90067  
  
Mr. Richard D. Milvenan  
McGinnis, Lochridge  
& Kilgore, LLP  
600 Congress Avenue, Suite 2100  
Austin, Texas 78701

1 **(Appearances Continued:)**

2 For Intel Corporation: Mr. J. Stephen Ravel  
3 Kelly, Hart & Hallman, LLP  
303 Colorado Street, Suite 2000  
4 Austin, Texas 78701

5 Mr. Philip Ou  
6 Paul Hastings, LLP  
1117 South California Avenue  
Palo Alto, California 94304

7 For Samsung Electronics: Mr. Brian C. Nash  
8 Pillsbury, Winthrop,  
Shaw, Pittman, LLP  
9 401 Congress Avenue, Suite 1700  
Austin, Texas 78701

10 Court Reporter: Ms. Lily Iva Reznik, CRR, RMR  
11 501 West 5th Street, Suite 4153  
Austin, Texas 78701  
12 (512) 391-8792

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25 Proceedings reported by computerized stenography,  
transcript produced by computer-aided transcription.

15:46:43 1 THE COURT: Hello. It's Alan Albright.

15:46:46 2 MR. RAVEL: Hello, Judge.

15:46:47 3 THE COURT: Mr. Ravel? Who else do I have on --

15:46:52 4 Suzanne, would you call the case, please?

15:46:54 5 THE CLERK: Sure.

15:46:55 6 Discovery hearing in Civil Action 6:20-CV-634,  
15:46:59 7 styled, Demaray, LLC vs. Intel Corporation, and; Case No.

15:47:04 8 6:20-CV-636, styled, Demaray, LLC vs. Samsung Electronics  
15:47:10 9 Company, Limited.

15:47:12 10 THE COURT: Could I have announcements from  
15:47:14 11 counsel, please?

15:47:16 12 MR. MILVENAN: Yes, your Honor.

15:47:17 13 For the Plaintiff Demaray, LLC, this is Rick  
15:47:20 14 Milvenan from McGinnis Lochridge, and I'm joined by  
15:47:24 15 Maclain Wells from Irell and Manella.

15:47:28 16 MR. RAVEL: Your Honor, Steve Ravel for Intel.

15:47:30 17 And Phil Ou from Paul Hastings will be our primary speaker  
15:47:36 18 today.

15:47:36 19 THE COURT: Okay. And I've read -- I'm sorry.  
15:47:39 20 Go ahead.

15:47:40 21 MR. NASH: Judge, this is Brian Nash of Pillsbury  
15:47:42 22 here on behalf of the Samsung Defendants. And Phil will  
15:47:45 23 also be speaking on our behalf today, as well.

15:47:49 24 THE COURT: Okay. Jun, my law clerk, forwarded  
15:47:53 25 me what the issues are, so I'm pretty up to speed. That

15:47:56 1 doesn't mean I know necessarily who wants to go first  
15:47:59 2 arguing. So I'll hear from whoever it is who has the  
15:48:02 3 laboring oar to persuade me.

15:48:05 4 MR. WELLS: Your Honor, I believe that we are  
15:48:08 5 requesting the discovery. This is Maclain Wells of Irell  
15:48:12 6 Manella on behalf of Demaray. So I think we should  
15:48:13 7 probably go first.

15:48:14 8 THE COURT: Fine by me.

15:48:16 9 MR. WELLS: So, your Honor, the OGP calls for  
15:48:19 10 technical documents sufficient to show the operation of  
15:48:21 11 the accused products, and this is separate from transfer  
15:48:23 12 discovery and we're not here about transfer discovery  
15:48:26 13 today. We're talking about documents called for under the  
15:48:29 14 order governing proceedings regarding the functioning of  
15:48:35 15 the products that are in dispute. Here, those products  
15:48:38 16 are reactors used in the production of semiconductors.

15:48:43 17 Now, Plaintiff Demaray has two patents that are  
15:48:45 18 at issue. Both are related to sputtering from a target  
15:48:49 19 associated with physical vapor deposition during the  
15:48:53 20 production of semiconductor devices. And all of the  
15:48:56 21 claims in both patents require the reactors at issue to  
15:49:00 22 have a DC power source to the target, an RF bias power  
15:49:05 23 source to the substrate, and a narrow band rejection  
15:49:09 24 filter, in addition to other elements.

15:49:12 25 Now, defendants' reactor configurations are

15:49:16 1 proprietary. They're maintained inhouse; these are not  
15:49:19 2 publicly available. So in Demaray's preliminary  
15:49:22 3 infringement contentions, it charted example products for  
15:49:27 4 which reverse-engineering information was available for it  
15:49:30 5 to help determine what it believes is the configurations  
15:49:33 6 at issue.

15:49:35 7 But Demaray needs the electrical schematics  
15:49:39 8 regarding these PVD chambers in order to show the relevant  
15:49:44 9 functioning of the reactors and the interconnection of the  
15:49:46 10 different components that are at issue in all of the  
15:49:50 11 claims, including schematics sufficient to show the  
15:49:53 12 interconnections and any filters used.

15:49:56 13 Now, this information's necessary at this point  
15:49:59 14 in time for several reasons. One is, it's necessary to  
15:50:04 15 fully address disputes at the upcoming claim construction  
15:50:07 16 hearing. For example, why are they seeking to import  
15:50:10 17 limitations regarding certain claim terms? Two, they've  
15:50:14 18 complained about Demaray's infringement contentions, and  
15:50:16 19 this will allow us to provide more robust infringement  
15:50:20 20 contentions. And we're happy to supplement once we get --  
15:50:23 21 in a reasonable amount of time, after we get this  
15:50:25 22 information.

15:50:25 23 And three, it's going to focus the issues for  
15:50:27 24 upcoming merits discovery. We need to know what reactors  
15:50:31 25 are actually in dispute as we go into merits discovery.

# 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.