

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:

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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.

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