

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF TEXAS

3 WACO DIVISION

4  
5 DEMARAY LLC, ) (  
PLAINTIFF, ) ( CIVIL ACTION NO.  
6 ) ( 6:20-CV-634-ADA  
VS. ) ( WACO, TEXAS  
7 ) (  
INTEL CORPORATION, ) ( NOVEMBER 4, 2021  
8 DEFENDANT. ) ( 10:30 A.M.

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10 DEMARAY LLC, ) (  
PLAINTIFF, ) ( CIVIL ACTION NO.  
11 ) ( 6:20-CV-636-ADA  
VS. ) ( WACO, TEXAS  
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INTEL CORPORATION, ) ( NOVEMBER 4, 2021  
13 DEFENDANT. ) ( 10:30 A.M.

14 DISCOVERY HEARING

15 BEFORE THE HONORABLE JUDGE ALAN D ALBRIGHT

16 UNITED STATES DISTRICT JUDGE

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24  
25

1 THE COURT: Good morning, everyone.

2 Suzanne, if you'd call the case, please.

3 COURTROOM DEPUTY: Sure.

4 Discovery Hearing in Civil Action W:20-CV-634,  
5 styled Demaray, LLC, versus Intel Corporation, and  
6 Discovery Hearing in Civil Case No. W:20-CV-636, styled  
7 Demaray, LLC, versus Samsung Electronics Company Limited, a  
8 Korean company, and others.

9 THE COURT: I'd like to have announcements from  
10 counsel, please.

11 MR. MILVENAN: Your Honor, Plaintiff is ready.  
12 Rick Milvenan from McGinnis Lochridge and Maclain Wells  
13 from Irell & Manella on behalf of Demaray, LLC.

14 THE COURT: And --

15 MR. NASH: Good morning, Your Honor.

16 THE COURT: Good morning, Mr. Nash.

17 MR. NASH: Sorry, Judge, were you -- were you  
18 talking? I never want to interrupt you.

19 THE COURT: I just saw you, and I said, good  
20 morning.

21 MR. NASH: Okay. Good morning, Your Honor. Brian  
22 Nash at Pillsbury Winthrop Shaw Pittman here on behalf of  
23 Sam -- the Samsung entities. Also today are the Paul  
24 Hastings team that are going to introduce themselves, and  
25 they'll be taking the laboring oar on the discussion.

1 MR. RAVEL: Your Honor, for Intel, Steve Ravel  
2 along with first and most importantly our client  
3 representative, Jared Edgar -- Edgar.

4 The Paul Hastings usual suspects are here. From  
5 Wilmer, Boston, we have an appearance from Joe Mueller.  
6 And our primary speaker today is Claire Specht, also from  
7 Wilmer, Boston.

8 THE COURT: Anyone else?

9 Okay. Very good. Okay. I'm happy to take up the  
10 issues.

11 Jun has gotten me the list of topics and  
12 questions, so I'm happy for -- for anyone -- whoever is  
13 going to argue this to -- to take over.

14 MR. WELLS: Your Honor, there are motions. This  
15 is Maclain Wells of Irell Manella on behalf of Demaray. So  
16 it'd probably makes sense for me to go first. I'm happy to  
17 take them in whatever order that you would like.

18 The first issue addresses both Defendants, and the  
19 second issue relates to Intel specifically. And I think  
20 they have some concerns about confidentiality. So it might  
21 make sense for us to do the general one first. And then if  
22 anybody needs to leave, we can cover the Intel one. Is  
23 that acceptable?

24 THE COURT: That's great.

25 MR. WELLS: Okay. So just to reorient the Court,

1 very quickly. Two patents-in-suit, they relate to reactor  
2 configurations used to deposit thin films. One relates to  
3 method claims, one relates to apparatus claims.

4 And within these patents, there's various  
5 limitations, including limitations relating to a DC power  
6 that's used, an RF bias that's used, and an RF filter  
7 that's used with specific characteristics.

8 Now, the parties have been going round and round  
9 about identifying reactors that have DC power sources and  
10 an RF bias, and then also the additional details on the RF  
11 filters for other protective -- alternative protective  
12 mechanisms that are used. And we've come to the Court  
13 repeatedly on this.

14 So back in December of last year, we should have  
15 gotten basic information on reactor configurations, but we  
16 didn't. We had three motions to compel in the spring, we  
17 had a stipulation by the parties in the summer, and this  
18 all culminated with the latest hearing on September 27th  
19 where we came to the Court and asked for specific  
20 information, which the Court ordered, but we're still not  
21 getting what we need, and so that's the background.

22 Now, if the Court will recall, at the last  
23 hearing, there was a dispute regarding the RF filters. And  
24 so there's a certain subset of reactors for which the  
25 Defendants have identified an RF filter. And for those

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