

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) January 7, 2022

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) January 7, 2022

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. Ian M. Davis
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
7 Palo Alto, California 94304

8 Ms. Claire M. Specht
9 Wilmer, Cutler, Pickering,
Hale & Dorr, LLP
60 State Street
Boston, Massachusetts 02109

10 For Samsung Electronics: Mr. Brian C. Nash
11 Mr. Austin M. Schnell
12 Pillsbury, Winthrop,
13 Shaw, Pittman, LLP
401 Congress Avenue, Suite 1700
Austin, Texas 78701

14 Mr. Cosmin Maier
15 Desmarais, LLP
230 Park Avenue
New York, New York 10169

16 Court Reporter: Ms. Lily Iva Reznik, CRR, RMR
17 501 West 5th Street, Suite 4153
18 Austin, Texas 78701
19 (512) 391-8792

20
21
22
23
24
25 Proceedings reported by computerized stenography,
transcript produced by computer-aided transcription.

09:21:31 1 THE COURT: Good morning, everyone.

09:21:32 2 If Suzanne could call the case, please.

09:21:34 3 THE CLERK: Civil Action W-21-CV-634, styled,

09:21:42 4 Demaray, LLC vs. Intel Corporation, and Case No.

09:21:46 5 W-20-CV-636, styled, Demaray, LLC vs. Samsung Electronics

09:21:50 6 Company, Limited, A Korean Company, and others.

09:21:54 7 THE COURT: I can have announcements from

09:21:55 8 counsel, please.

09:21:58 9 MR. MILVENAN: Your Honor, for the Plaintiff

09:22:00 10 Demaray, Rick Milvenan and Ian Davis from McGinnis

09:22:05 11 Lochridge. We're joined by Maclain Wells from Irell &

09:22:10 12 Manella.

09:22:10 13 MR. RAVEL: Your Honor, Steve Ravel for Defendant

09:22:12 14 Intel. Our client representative here today is Jared

09:22:16 15 Edgar, first and foremost. Claire Specht from Wilmer Hale

09:22:21 16 will be our primary speaker today. And from Paul

09:22:24 17 Hastings, Phil Ou is with us.

09:22:27 18 And as a matter of housekeeping, we have a client

09:22:31 19 rep on and perhaps we should -- there's going to be CBI

09:22:36 20 flying back and forth, I think, in both the Intel and the

09:22:38 21 Samsung hearing. Perhaps we should take up the Intel one

09:22:42 22 first since there's an Intel client rep on the line.

09:22:47 23 THE COURT: I'm happy to do that.

09:22:52 24 MR. NASH: Your Honor, Brian Nash of Pillsbury

09:22:55 25 Winthrop on behalf of the Samsung defendants. I'm also

09:22:58 1 joined by Austin Schnell of Pillsbury and Cosmin Maier of
09:23:02 2 the Desmarais firm. Phil Ou also represents Samsung and,
09:23:06 3 I believe, might be speaking on Samsung's behalf with
09:23:09 4 respect to these issues later today.

09:23:11 5 THE COURT: Okay. And thank you all for being
09:23:13 6 here. Thank you for your clients taking the time to
09:23:16 7 attend.

09:23:16 8 And I'm happy to take up the Intel issue first.

09:23:20 9 MR. WELLS: Thank you, your Honor. Maclain Wells
09:23:23 10 of Irell & Manella on behalf of Demaray. I'll be
09:23:25 11 addressing this issue.

09:23:25 12 Just a quick reorientation regarding the Intel
09:23:28 13 reactors that we're here about today. So Intel has
09:23:31 14 identified two reactor suppliers that it has that have an
09:23:34 15 RF bias and a DC power source to the target. The first is
09:23:39 16 Applied, which we addressed before the holidays and that's
09:23:42 17 ongoing. The second is [REDACTED] [REDACTED]

09:23:47 18 [REDACTED] [REDACTED]
09:23:50 19 [REDACTED]

09:23:52 20 [REDACTED]

09:23:54 21 [REDACTED]

09:23:58 22 [REDACTED]

09:24:01 23 [REDACTED] Whether or

09:24:03 24 not those are available or not, we haven't heard back from
09:24:05 25 them. And then, has a number of [REDACTED] reactors,

09:24:08 1 [REDACTED] that have been rolled out already and
09:24:10 2 it's rolling out more.

09:24:11 3 So we had this deposition back in November at the
09:24:15 4 Court's instruction, and we determined that [REDACTED]
09:24:22 5 [REDACTED]
09:24:24 6 [REDACTED]
09:24:27 7 they do, indeed, have a DC power source and an RF power
09:24:30 8 source bias in the substrate. They claim [REDACTED]
09:24:34 9 [REDACTED], but there are apparatus claims at
09:24:37 10 issue here; and so, these reactors are at issue,
09:24:40 11 regardless.

09:24:40 12 So we've asked them for discovery on the
09:24:44 13 reactors. We've gotten discovery from Intel on the
09:24:47 14 reactors that they have in their possession. They've also
09:24:50 15 recently provided some additional information on their
09:24:52 16 [REDACTED] reactors, but are still working on
09:24:55 17 supplementing their interrogatories with regard to the
09:24:57 18 [REDACTED] reactors, I understand.

09:24:59 19 But the information that we've received to date
09:25:01 20 doesn't provide us the level of detail, much like the
09:25:04 21 Applied reactors, regarding the filters at issue. The
09:25:07 22 schematics, and whatnot, don't have that level of detail
09:25:10 23 where they're detailing the actual individual electrical
09:25:13 24 components and where they might be.

09:25:14 25 And so, we've said we need to inspect the

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.