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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SONOS, INC.,

Plaintiff/Counter Defendant,

Case No. 20-cv-00169-JAK

v.

GOOGLE LLC,

Los Angeles, California

Date: June 2, 2025

Defendant/Counter Claimant.  
.....

TRANSCRIPT OF MOTION HEARING  
BEFORE THE HONORABLE JOHN A. KRONSTADT  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff: Alyssa Caridis  
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Proceedings recorded by machine shorthand, transcript produced  
by computer-aided transcription.

1 (Court called to order at 8:32 a.m.)

2 THE COURT: Item 2, CV20-00169, *Sonos, Inc. versus*  
3 *Google, LLC*. Would you state your appearances please starting  
4 with plaintiff's counsel.

5 MS. CARIDIS: Good morning, Your Honor. Alyssa  
6 Caridis on behalf of Sonos.

7 THE COURT: Good morning, Ms. Caridis.

8 MR. PAK: Good morning, Your Honor. Sean Pak on  
9 behalf of Google along with James Judah.

10 THE COURT: Good morning, Mr. Judah and Mr. Pak.  
11 We have our court reporter; thank you for being here  
12 as well. If at any time you can't hear us or need us to repeat  
13 something, just please let us know. Thank you.

14 We're here today on the defendant's motion for leave  
15 to amend the -- leave to amend to file a counterclaim with  
16 respect to alleged patent infringement.

17 The -- I think -- well, to distil it, obviously this  
18 case has been pending for a substantial period of time. The --  
19 there were -- because it was stayed during certain patent  
20 challenge proceedings, and not just those proceedings but then  
21 the appellate -- the judicial appellate review, the outcomes,  
22 and pursuant to your stipulation and order the stay was well in  
23 effect. I lifted the stay finding, the other boot, because you  
24 had agreed upon a revised schedule.

25 The proposed -- the opposition to the proposed leave

1 to amend, that is to say the leave to amend to add the  
2 counterclaims for alleged infringement of Google patents,  
3 starts by arguing that the -- that there's -- it's procedurally  
4 improper because there was not an adequate meet and confer as  
5 required by the local rules, and I think that the -- there  
6 was -- technically could have been a better meet and confer  
7 process to conclude it. But from what I've read, my tentative  
8 view is that it would not -- it would have been fruitless in  
9 light of certain of the communications between counsel as to  
10 the unlikely point that the plaintiff would agree to the motion  
11 or a portion of it.

12 And then turning to the -- assuming the -- putting  
13 aside then -- assuming the procedural issue is not controlling  
14 and it's a discretionary matter -- that it is a discretionary  
15 matter, again for the reasons that I've stated, I don't see it  
16 has been prejudicial. There's been complete and thorough  
17 briefing here.

18 The issue then is considering the applicable factors  
19 in allowing -- whether or not to allow leave to amend. And as  
20 both of you know, the general rule in amending a complaint, or  
21 in this case a counter -- counterclaim, is that there's broad  
22 latitude to do so. It's a bit different because it's a  
23 different -- it's a new counterclaim with new patents that  
24 wasn't -- weren't previously here, but nevertheless there's  
25 still in general a broad -- broad ability to amend.

1           And then the issue becomes whether the non-moving  
2 party will be prejudiced if the motion is granted, and the  
3 parties here make different points.

4           Defendant arguing that this part of the litigation is  
5 at its early stages because of all of the time the matter has  
6 been stayed, and also argues that the amendments aren't made in  
7 bad faith.

8           The plaintiff states that -- argues that this is a  
9 tactical decision, which its purpose is to delay the  
10 proceedings and to unduly interfere with the consideration --  
11 or delay the consideration of the affirmative infringement  
12 claims in the complaint.

13           The plaintiff also argues that the -- the  
14 counterclaims could be added to a pending action in the  
15 Northern District of California, to which the defendant replies  
16 that that action is presently stayed.

17           My tentative view, in considering the 15 -- Rule 15  
18 factors, is that I would grant the motion. Again, there's a --  
19 my view is that it's a broad under more -- in other cases  
20 there's broad ability to amend. I don't think that there's  
21 been a showing of undue delay in seeking to amend.

22           The last day to amend was May 5 of this year — that  
23 was when the motion was filed — and there's not at this point  
24 a showing of bad faith in terms of complying with Rule 11, and  
25 there's information that's been presented that the two patents

1 that the defendant has and seeks to assert as a  
2 counter-claimant overlap with the patents and technology that  
3 the plaintiff has been asserting throughout this proceeding.  
4 The amendments on their face don't appear to be futile.

5 Again, I can't at this point assess the merits of the  
6 alleged infringement, but the -- the allegations are detailed.

7 And the -- as to prejudice, there's -- there's been  
8 two amendments of the complaint which has increased the number  
9 of patents at issue from 5 to 10, and so I don't know that  
10 adding two more patents will result in undue delay here. I  
11 recognize there are some differences.

12 However, if I adhere to my tentative view, I also have  
13 the discretion as the matter proceeds to determine whether  
14 bifurcation of certain claims would be appropriate depending on  
15 how the matter proceeds. So that if I were to conclude that it  
16 would be more appropriate to separate the counterclaim patents  
17 or certain patents, that if I've determined looking at them  
18 collectively that certain patents might be grouped more  
19 appropriately than others, then I can -- I could do that in the  
20 future if there -- an issue of timing came up.

21 So with that, that's my tentative. I can hear from  
22 you please. You can work from there or the lectern, whichever  
23 you prefer.

24 MS. CARIDIS: Thank you, Your Honor. Alyssa Caridis  
25 on behalf of Sonos.

1 THE COURT: And, Ms. Caridis, if the lectern is not  
2 the right height with your right hand, there's a switch there  
3 on the top, on the deck of it you can change it.

4 MS. CARIDIS: I'm okay; thank you.

5 I just -- I appreciate Your Honor's tentative, and I  
6 don't want to belabor the point, you obviously read the  
7 briefing, but I just want to make two points: one to undue  
8 delay and the other to prejudice.

9 On undue delay, I don't think Google has offered any  
10 satisfactory explanation why it could not have brought these  
11 amendments when the pleadings were being set or even when the  
12 parties were discussing a schedule. Google had enough  
13 information to bring an ITC investigation in the same patent  
14 family on remarkably similar claims three years ago, and so --  
15 and it's offered no facts or circumstances that have changed  
16 since the pleadings or since -- since the schedule that  
17 prevented it from letting us know beforehand.

18 And so in light of that, I think that this case is  
19 remarkably similar to the Central District's *Xyratec versus*  
20 *Teradyne* case that Sonos cited in its opposition brief. There,  
21 in quite similar factual circumstances, the court said that the  
22 defendant found -- the defendant had not "provided any  
23 explanation, let alone a satisfactory explanation, as to why  
24 more than seven months into the litigation it drastically  
25 changed its litigation tactics attempting to bring the patent

1 infringement claims against plaintiff," and as a result the  
2 court there found that there was undue delay. And I think that  
3 similar circumstances would hold here.

4 The other point that I would make, Your Honor, in --  
5 as it relates to undue prejudice, we believe that the proposed  
6 amendments would fundamentally alter the nature of this  
7 litigation. It's not so much bringing a 10-patent case to a  
8 12-patent case. It is bringing a -- the current case as it  
9 stands is Sonos as the patent holder is asserting patents  
10 against Google an accused infringer.

11 By adding these claims, you're all of the sudden  
12 having a situation where, you know, allegations of patent  
13 infringement on similar technology but being invented almost a  
14 decade apart are being asserted against -- on both directions,  
15 and it just -- you know, it creates an enormous complexity for  
16 the parties and for the court and for the jury that we just  
17 don't think is appropriate here and would be prejudicial. And  
18 I think it's the reason why Google has failed to cite a single  
19 case in this district that allows patent infringement  
20 allegations going in both directions.

21 They cite a *Pavemetrics* case, but there were no patent  
22 infringement allegations going in both directions in that case.  
23 The plaintiff there was a declaratory judgment plaintiff. And  
24 they certainly haven't cited any case where they're trying to  
25 -- where a party is trying to add counterclaims on the eve of

1 Markman.

2 So I think under the Ninth Circuit's *Morongo*, undue  
3 prejudice of unduly altering the nature of the litigation, it's  
4 not -- the nature isn't 10 to 12 patents. The nature is the  
5 fact that we're all of the sudden going to have to deal -- I  
6 keep wanting to say cross-claims; I know they're not  
7 cross-claims -- but claims of patent infringement allegations  
8 across -- you know, on both sides, and that, we think, changes  
9 the fundamental nature.

10 THE COURT: Let me ask you this, Ms. Caridis. Let's  
11 suppose that Google brought these as separate claims, they were  
12 not brought as counterclaims, and they were filed in this  
13 district. They would likely be related to this case, wouldn't  
14 they?

15 MS. CARIDIS: I don't know -- I don't know that they  
16 would be related to this case. I think if that were -- if they  
17 did that, Your Honor, I think we would be seeking to move to  
18 transfer to the Northern District because they're certainly  
19 related to the claim pending in the Northern District.

20 THE COURT: With respect to the -- again, it's a  
21 little early, although we presently have a Markman hearing  
22 scheduled for July 28 -- which I'm going to need to change in  
23 light of a scheduling conflict -- but is it your position that  
24 there's -- have you had enough time to determine whether your  
25 position -- whether you have a position yet as to whether the

1 Markman issues in the alleged counterclaims would be -- overlap  
2 at all with those in the claims?

3 MS. CARIDIS: I don't think that there is -- I don't  
4 think there will be any argument that the -- no. So I have not  
5 fully assessed that, but I am very familiar with the -- the  
6 patent family that Google is trying to bring in here because I  
7 was part of that, I was part of the ITC investigation. And  
8 given the -- the difference in terms, the differences in  
9 specification, the difference in years, Google's patent --  
10 Google's patents claim priority to 2012. Sonos's patents claim  
11 priority to 2004.

12 THE COURT: Slow down. I apologize for the reporter.

13 MS. CARIDIS: Sorry. Just from the perspective of,  
14 you know, what is the level of skill in the art, what is the  
15 knowledge of skill in the art at the relevant times, I think  
16 you're talking about a completely separate analysis.

17 THE COURT: That's helpful. Anything else you wanted  
18 to add at this time?

19 MS. CARIDIS: That's all I had, Your Honor.

20 THE COURT: Thank you, Ms. Caridis.

21 MR. PAK: Good morning. Sean Pak on behalf of Google.

22 THE COURT: Can you spell your last name please?

23 MR. PAK: Pak, P-a-k, Your Honor.

24 THE COURT: Have you entered an appearance in this  
25 case?

1 MR. PAK: Yeah, Thursday or Friday of this week. Last  
2 week, Your Honor.

3 THE COURT: Thank you.

4 So, Mr. Pak, why were the claims brought as  
5 counterclaims in this case as opposed to having -- I recognize  
6 your argument about the stay in the Northern District, and  
7 we'll get into that more. But why here, why should they be  
8 part of this case as opposed to a separate proceeding that may  
9 or may not be appropriate to relate?

10 MR. PAK: Yes, Your Honor, I think there are a number  
11 of factors. One is that we have complete overlap in terms of  
12 the products on both sides.

13 So, as we noted in the briefing, Sonos is not only  
14 arguing that Google is infringing its set of patents but that  
15 they are also practicing those patents. So, number one, we  
16 have the same discovery that's going to be happening in this  
17 case.

18 We have asserted also the Google products and the  
19 patents as prior art to the Sonos set of patents. So there's  
20 also going to be issues around -- whether it's for Your Honor's  
21 determination or for a jury, both sides will be hearing about  
22 the setup activities of both companies. We will be looking at  
23 which products came first, which patents were filed.

24 We will be bringing written description challenges to  
25 the original patents, filings by Sonos, where we will claim

1 that the original provisional applications and the earlier  
2 applications do not support the claim language that they  
3 obtained regarding this access point.

4 That raises one of the issues that Your Honor asked  
5 counsel about, which is will there be overlapping claim  
6 construction. We absolutely believe there will be, both in  
7 terms of access point as well as other elements that are  
8 covered in both sets of claims.

9 So there will be not only factual overlap but there  
10 will be overlap in terms of legal issues.

11 Your Honor, and the last point here, Sonos is claiming  
12 willful infringement. So what they're alleging is that we were  
13 -- Google was willfully blind as to the infringement actions.  
14 And as Your Honor well knows, in order to rebut that we will  
15 have to bring in evidence that there's been no copying, there's  
16 independent development, and that our technology was developed  
17 independent of Sonos's technology.

18 In many ways, Your Honor, we had a -- I was lead  
19 counsel for Google in the *Sonos versus Google* case that was  
20 tried in front of Judge Alsup in ND Cal. which resulted in a  
21 finding that the claims are unenforceable for lack of written  
22 description. We anticipate similar issues being litigated  
23 here, although the facts will be specific to the set of  
24 patents.

25 So, again, I think there's -- there's an incredible

1 amount of overlap. And as Your Honor well pointed out, there's  
2 absolutely nothing that would prevent us from filing these two  
3 patents here in Central District of California. We think that  
4 would be judicially inefficient to do so because we would have  
5 two sets of cases that involve the same patents, same products,  
6 same legal issues. We believe a consolidation would be  
7 appropriate if that were to happen, but we have the opportunity  
8 here to deal that now through an amendment that was properly  
9 filed on time.

10 THE COURT: What is the reason for the stay of the  
11 matter in the Northern District?

12 MR. PAK: Yes, Your Honor, that case was pending  
13 filing IPRs. So IPRs were filed by Sonos, and as a result  
14 there was really no judicial activity regarding claim  
15 construction or other issues that would have implicated that  
16 case. And so I believe that's initially, as Your Honor  
17 knows --

18 Are you talking about this case or the ND Cal. case?

19 THE COURT: Northern District.

20 MR. PAK: Yes, that was for the -- pending the IPRs  
21 and also the ITC as well. As Your Honor knows, there's a  
22 statutory right.

23 THE COURT: Do you have any -- is there any time  
24 estimate as to when the -- those matters will be resolved so  
25 the stay might be lifted?

1 MR. PAK: It's very difficult to predict. There's a  
2 federal circuit appeal pending the IPR findings of  
3 patentability on some of those claims. And as Your Honor well  
4 knows, it's very difficult to predict the outcome and also as  
5 well as the timing of when federal circuit panels decide those  
6 issues.

7 MS. CARIDIS: Your Honor, I have some insight into  
8 this.

9 THE COURT: I'll come back.

10 MR. PAK: One last point I wanted to raise, Your  
11 Honor, in response to counsel's arguments. She raises the  
12 point that we could have brought these patents during the -- at  
13 an earlier point in time or as part of the answer that we  
14 provided in this case. And I would note, Your Honor, that two  
15 of the patents that they added to this case have been issued.  
16 Long before this case was originally filed, Sonos could have  
17 brought that. Your Honor reset the scope of this case by  
18 allowing them to amend this complaint to add now five more  
19 patents.

20 We believe that there are -- there's good cause here.  
21 Certainly we don't have to show that, but there's good cause  
22 here because one of those patents that they added, Your Honor,  
23 where the claim they practiced the patents is on the speaker  
24 side.

25 So this is talking about setting up a wireless network

1 so that you have smart speakers talking to a base station. The  
2 new patent that they added -- one of the new patents is for the  
3 first time focused on the speaker set of products. There was  
4 an amendment to their infringement contentions just five days  
5 before we provided our infringement contentions on these new  
6 patents. So we believe that there's good cause to bring these  
7 patents and there will be judicial efficiency in doing so.

8 And I think the court in the *SEAS Getters* case said it  
9 best, "Ensuring that both dueling patents can be adjudicated  
10 together is precisely the sort of wise judicial administration  
11 giving regard to the conservation of judicial resources and  
12 comprehensive disposition of litigation." And we believe  
13 that's the reason why Your Honor should grant the motion.

14 THE COURT: Thank you, Mr. Pak.

15 MR. PAK: Thank you, Your Honor.

16 THE COURT: Ms. Caridis.

17 MS. CARIDIS: Yes. Alyssa Caridis on behalf of Sonos.

18 Just on the point of the Northern District, so the  
19 full posture there was in the -- in the same week, in August of  
20 2022, Google filed both that -- that district court case and a  
21 companion ITC action. The district court case was  
22 automatically stayed as -- as it does. And then in September  
23 of 2023, we got an initial decision from the administrative law  
24 judge of that ITC action holding no violation. The Commission  
25 approved it. And Google chose not to appeal that decision.

1           The district court had asked us to update it when the  
2 -- when the appellate process was done for the ITC case. We  
3 did that. We submit -- the parties jointly submitted a  
4 statement that said the ITC action is done; no appeal has been  
5 taken. So the stay that was put in place, you know, should  
6 probably be lifted except the parties noted that there was a  
7 pending IPR and asked the court to hold a scheduling conference  
8 to determine how that should impact -- impact things. That  
9 submission went in at some point -- at some point last year. I  
10 don't know the exact date.

11           The court has never responded to it. Google has never  
12 followed up with the court. So we are in a limbo posture in  
13 the Northern District. But Google, as plaintiff, has never  
14 followed up and tried to understand with the court what's  
15 actually happening. The statement of his stayed pending in IPR  
16 isn't true. We have told the court that the reason for the  
17 stay is complete, and there is a pending IPR appeal now of that  
18 IPR. So I just want to set the record straight on that. I  
19 don't -- I don't know what exactly it is we're waiting for in  
20 the Northern District. But Google, as the prosecutor of that  
21 case, hasn't brought it up at all.

22           THE COURT: Do I understand it the first proceeding  
23 has ended and there was no appellate review, but the second  
24 proceeding is still under inter partes review?

25           MS. CARIDIS: That is true. There is appeal of the

1 inter partes review. There is no order from the court saying  
2 I'm going to stay this pending an inter partes review. The  
3 only order from the court: I'm going to stay this pending the  
4 ITC action.

5 THE COURT: I understand. Let me ask you this,  
6 Ms. Caridis. Just looking at things from -- I understand that  
7 there's been a lot going on and judicial efficiency and party  
8 efficiency is important. As I said at the outset, my  
9 tentative, if I adhere -- if I adhered to the view that the  
10 amendment -- the leave to amend could be granted, that would  
11 not preclude me from managing the case and, as I said,  
12 potentially bifurcating.

13 So, for example, Mr. Yang -- Mr. Pak mentioned that if  
14 the other case were separately filed here, the two would be  
15 consolidated. That's actually not correct. The process is  
16 they would first be related and then the issue of whether they  
17 should be consolidated would be addressed.

18 So I -- just from an efficiency point of view given  
19 that I have that ability to do that sort of case management,  
20 would -- how does that weigh in terms of whether to say, okay,  
21 no leave to amend, file the action separately, then likely a  
22 notice of related case and go through that process?

23 MS. CARIDIS: So we may well end up in a similar  
24 situation, but I think in that case it would allow us to fully  
25 brief the court on the similarities of the patents in the

1 Northern District. Because if we're talking about judicial  
2 efficiency, there can be no dispute that it is going to be  
3 inefficient to try the Google set of patents in this case and  
4 Google set of patents in the Northern District. And so if this  
5 were brought as a separate case, we could hash out that  
6 argument completely.

7 THE COURT: If this were -- if these were brought as  
8 counterclaims, could there be a motion brought to sever and  
9 transfer them?

10 MS. CARIDIS: Absolutely, yes.

11 THE COURT: So you wouldn't be precluded.

12 Let me ask another question with respect to timing.  
13 And as noted, we have a Markman hearing scheduled in the  
14 plaintiff's claims for next month. I asked this earlier, but I  
15 think you disagree -- the parties disagree. Have you had any  
16 discussions yet about the Markman issues that would be  
17 presented?

18 MR. PAK: I don't believe we have.

19 MS. CARIDIS: We have not.

20 THE COURT: All right.

21 MS. CARIDIS: And because, Your Honor, we, you know,  
22 got the infringement contentions for these new patents I think  
23 on the same day that Google filed its motion, so we still, you  
24 know, have to go through the invalidity process before getting  
25 to claim construction as well.

1 THE COURT: So you haven't -- have you made -- so I'm  
2 not asking for attorney-client communications, but is there --  
3 could it be that -- that the challenge to the Google patents  
4 might be advanced in an IPR or other proceeding?

5 MS. CARIDIS: I mean, IPR -- an IPR would be an option  
6 here, but I don't know -- without getting into attorney-client  
7 communications, yeah.

8 THE COURT: All right. I'm not asking for that.  
9 Okay. And let me ask you one last question -- well, let me  
10 stop there and I'll come back to you.

11 MR. PAK: Yes, Your Honor.

12 THE COURT: Go ahead.

13 MR. PAK: Yes, I have a few points, Your Honor. So  
14 this motion was filed on time in terms of amending the  
15 pleadings. Your Honor -- as Your Honor noted, the standard for  
16 amending pleadings when properly filed is extremely liberal.  
17 We identified a number of important factual overlap, legal  
18 overlap. We don't believe that this will result in any type of  
19 undue delay in terms of the case schedule because there is so  
20 much overlap here in terms of the factual issues.

21 And in terms of claim construction, we filed our -- we  
22 served them with our infringement contentions five days after  
23 they supplemented their infringement contentions. So the  
24 parties are similarly situated. We can work expeditiously with  
25 the other side to identify the -- the claim construction

1 issues.

2 So I do think, Your Honor, that judicial efficiency  
3 really would be promoted here by having the cases be heard  
4 together with respect to our counterclaims, and I think that's  
5 the right result under the FRCP 15.

6 THE COURT: Okay. And just staying on that for a  
7 moment --

8 MR. PAK: Yes, sir.

9 THE COURT: I'm not faulting anyone here, but at the  
10 moment you don't have a -- there's no certainty as to what  
11 Markman issues might be presented in the original case, and  
12 then similarly there's no known basis for what the Markman  
13 claims, if any, might -- Markman issues, if any, might be in  
14 the -- with respect to the counterclaims if they are added.

15 I know that earlier, Ms. Caridis, you stated that you  
16 don't think there will be any overlap, but the parties haven't  
17 conferred on that yet, have they?

18 MS. CARIDIS: So, Your Honor, we actually have had  
19 pretty extensive exchanges and meet and confers relating to the  
20 claim constructions as they relate to Sonos's patents, and  
21 we've actually narrowed the -- that set of terms quite  
22 substantially. And it was based on that -- based on my  
23 knowledge of what the terms, you know, Google is trying to  
24 assert from the Sonos set of patents that informed part of my  
25 decision that I gave to you. I -- you know, the terms that

1 they are asserting need to be construed are not anywhere in  
2 Google's set of patents.

3 THE COURT: No, I understand. All right. Do you see  
4 any overlap --

5 MR. PAK: Yeah.

6 THE COURT: -- in claim construction?

7 MR. PAK: I do, Your Honor, and the reason for that is  
8 although the claim language is slightly different, for example,  
9 the Sonos patent talks about an access point, for example, and  
10 there are other limitations that are going to be at issue with  
11 respect to the Sonos patents and the Google patents use  
12 different words, it's the same area of technology, Your Honor.  
13 And I do -- I do contemplate overlap, both in terms of the  
14 technology tutorial and Your Honor's decision on some of those  
15 claims construction issues.

16 THE COURT: When is the -- when is the claim  
17 construction -- first claim construction brief due?

18 MR. PAK: I believe --

19 MS. CARIDIS: It's some time in June.

20 THE COURT: We're now --

21 MS. CARIDIS: Later this month. So I believe where  
22 the parties currently are we -- this Thursday we are exchanging  
23 intrinsic and extrinsic evidence. We have already met and  
24 conferred and already narrowed a bunch of issues.

25 MR. PAK: I believe the opening brief is due on

1 July 3rd.

2 THE COURT: Just a minute.

3 Is there anything else you want to add?

4 MR. PAK: No, Your Honor, other than with respect to  
5 the ITC cases that we heard about, Your Honor well knows that  
6 the decisions of the Commission are not binding on Article III  
7 actions like this. So I just wanted to note that for the  
8 record as well.

9 THE COURT: Just a minute.

10 MR. PAK: Sure.

11 THE COURT: You said the opening brief is July 2?

12 MR. PAK: July 3rd I believe, Your Honor.

13 THE COURT: Thank you. Just a minute. All right.  
14 Just a moment.

15 Okay. I'll issue a written ruling. I mean, there are  
16 many moving parts here. And I think that what I stated at the  
17 outset about the ability effectively to manage these matters,  
18 notwithstanding that if I were to -- that if I adhere to my  
19 tentative that the counterclaims would then be part of this  
20 proceeding, doesn't, as what I said earlier, preclude a motion  
21 to transfer them, doesn't preclude a motion to cabin -- not  
22 cabin -- but separate the counterclaims from the basic claims  
23 if I -- if I were to determine that would be judicially  
24 efficient -- efficient for the parties.

25 In that regard, even though I haven't -- I will not

1 reach a final decision until I issue the written ruling, what  
2 I'd like you to do is you -- I think -- you seem to get along  
3 professionally even though you may disagree on legal and  
4 factual issues.

5 MR. PAK: We do, Your Honor, we have professional  
6 respect.

7 THE COURT: Okay. That's good. That's what I  
8 expected.

9 The claim construction discovery cutoff is June 19,  
10 and the Markman, the prehearing statement, is due June 26th,  
11 and simultaneous briefing, as you pointed out earlier, is  
12 July 3, that's about, you know, 31 days from now.

13 What I'd like you to do between now and June 10 is to  
14 meet and confer, and the issue being how -- what -- what --  
15 meet and confer concerning Markman issues that could arise that  
16 may be presented with respect to the counterclaim patents, and  
17 then let me know your -- file a joint report by June 10 with  
18 your respective and/or collective views as to the most  
19 efficient way to proceed in assuming the counterclaims would --  
20 leave to amend the counterclaims were -- were to be granted.  
21 And the reason that I ask is we've got an immediate schedule  
22 coming up with respect to the current Markman process. So I'd  
23 like to see how -- what's the most efficient way to handle what  
24 could be other Markman issues and if they are or are not  
25 overlapping with those would be considered.

1           Now, I don't need to have -- I'm not looking for an  
2 extensive -- I don't want you to argue the Markman points. I  
3 just -- I just want to have your respective views on whether  
4 what or wouldn't be efficient and enough information so that I  
5 can assess the of -- what might be the most efficient way to  
6 proceed to keep the matters moving. So if that works, you can  
7 do that.

8           MR. PAK: Yes, Your Honor.

9           THE COURT: My second question is with respect to  
10 trying to resolve these disputes. Have you had -- have there  
11 been any communications about trying to resolve the matter --  
12 these -- the matters that are here as well as the matter in the  
13 Northern District?

14          MR. PAK: Yes. Without getting into confidential  
15 mediation privilege, we've had numerous mediations and  
16 settlement conferences throughout the long history of the  
17 litigation, and I expect that those will continue.

18          THE COURT: Do you agree with that?

19          MS. CARIDIS: Yeah. And I think more specifically we  
20 are currently working with a mediator to try to schedule a next  
21 round of dates. The parties have been trying to coordinate the  
22 next dates.

23          THE COURT: That would be both the Northern District  
24 and this litigation?

25          MS. CARIDIS: It's everything, yes.

1 THE COURT: Do you know who the neutral is?

2 MS. CARIDIS: I forget who it is. I honestly forget.  
3 We've used a couple at this point.

4 THE COURT: Well, keep that. Keep working on that as  
5 well.

6 And the other thing I'd like to know in your report on  
7 June 10 -- I do not want to know anything about the substance  
8 of settlement communications whatsoever, but to the extent that  
9 the parties have a procedural position as to whether -- how the  
10 scheduling of the Markman process and these, with respect to  
11 the pending claims and with respect to the counterclaims if  
12 they are added -- if I permit them to be added, whether any of  
13 that schedule -- how that scheduling might facilitate further  
14 discussions with the neutral or -- how it might facilitate  
15 further discussions with the neutral or just sort of what's the  
16 context there.

17 Because I want to look at this globally, meaning if  
18 I'm trying to figure out the schedule of how to do the two --  
19 potentially two different Markman processes or one and I want  
20 to consolidate hypothetically the Markman processes, what would  
21 that schedule look like, then how does that fit with your  
22 effort to resolve the matters.

23 Again, I don't want to have any -- no substance. Just  
24 it would be a factor for me to consider potentially. And it  
25 may be too early for you to know.

1 MR. PAK: Thank you, Your Honor.

2 THE COURT: So understood that too?

3 Okay. With that --

4 MR. PAK: Your Honor, at the beginning you mentioned  
5 something about your hearing calendar on the Markman. Is that  
6 something that we should be aware of in terms of --

7 THE COURT: Yeah -- thank you for reminding me of  
8 that. Due to change since the schedule was made, I will not be  
9 here July 28. And probably the earliest I could do -- do that  
10 would be August 25. Are you available then?

11 MR. PAK: I believe so, Your Honor. I do have a trial  
12 scheduled, but I believe that trial will be rescheduled. So I  
13 can confirm that, but I think August 25th should work for me  
14 here.

15 THE COURT: Ms. Caridis, does that work for you as  
16 well?

17 MS. CARIDIS: Your Honor, I need to confirm as well.  
18 And we can put this in the June 10th submission. I believe  
19 that would work. I have talked with my counterparts before  
20 coming here about dates.

21 THE COURT: All right. Let me know because -- that's  
22 one alternative. Again, in your discussions if you conclude it  
23 would really be better if one side or the other both think  
24 instead of July 28 could we do it on July 21, I recognize that  
25 would compress the briefing so may not work, but there are

1 these -- there are a lot of things in motion here.

2 MS. CARIDIS: So would July 21 be an option? Can --  
3 when are you kind of out?

4 THE COURT: Just let me check something.

5 Is that the July circuit conference? The July circuit  
6 conference is July 21. It's not in Los Angeles. I don't think  
7 that's a realistic option.

8 MS. CARIDIS: Okay.

9 THE COURT: But if it became essential to do it on  
10 July 21, I mean, I could hypothetically -- I got to check the  
11 schedule. There are some things -- presentations I'm doing at  
12 the Ninth Circuit conference. I have to find out which with  
13 the precise schedule.

14 All right. Thanks for your help today. That  
15 concludes the hearing.

16 MR. PAK: Thank you, Your Honor.

17 MS. CARIDIS: Thank you.

18 (Proceedings adjourned at 9:10 a.m.)  
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CERTIFICATE

I certify that the foregoing is a true and correct transcript from the stenographically reported proceedings in the above-entitled matter.

DATE: June 4, 2025

/s/Kimberly R. Greiner  
KIMBERLY R. GREINER, RMR, CRR, CRC, RDR  
United States Court Reporter