

TRIOPTIMA AB,) (

PLAINTIFF,) (CIVIL ACTION NO.

) (2:19-CV-390-JRG

VS.) (MARSHALL, TEXAS

QUANTILE TECHNOLOGIES) (

LIMITED,) (SEPTEMBER 4, 2020

DEFENDANT.) (11:07 A.M.

FOR THE PLAINTIFF: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

FOR THE DEFENDANT: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

COURT REPORTER: Shelly Holmes, CSR, TCR
Official Court Reporter
United States District Court
Eastern District of Texas
Marshall Division
100 E. Houston
Marshall, Texas 75670
(903) 923-7464

(Proceedings recorded by mechanical stenography, transcript produced on a CAT system.)

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11:40:38 1 on it.

11:40:38 2 This -- this issue has been left long enough. We
11:40:43 3 need to get to the answer on this. But I -- I am persuaded
11:40:47 4 that targeted jurisdictional discovery in the form I've
11:40:51 5 indicated would be proper and appropriate here and might
11:40:55 6 shed some light on what both sides admit is a rather
11:41:03 7 complicated business.

11:41:04 8 All right. I want to next take up the Defendant's
11:41:06 9 motion to limit the number of asserted claims.

11:41:11 10 I understand you met and conferred on this but
11:41:13 11 were not able to resolve it. I know from the briefing that
11:41:20 12 the Plaintiff is at this point asserting over 100 claims.
11:41:25 13 I know what the schedule of the case is and where we are
11:41:29 14 with regard to when claim construction will be upcoming.

11:41:35 15 What I'm going to do here -- I really don't need
11:41:38 16 to hear argument on this. I'm going to order the claims
11:41:43 17 reduced pursuant to the model order. And the initial date
11:41:48 18 in the model order is triggered by a date that's already
11:41:51 19 passed in this case, so I'm going to modify that. But I'm
11:41:55 20 going to enter the model order, and I'm going to require
11:41:58 21 the claims to be narrowed.

11:41:59 22 There is absolutely no way that the Plaintiff can
11:42:02 23 go to trial on a hundred claims or more than a hundred
11:42:06 24 claims, and that requires a substantial expenditure of
11:42:11 25 resources by the Defendant that is going to be wasted

11:42:14 1 effectively, and this case is old enough and it's advanced
11:42:22 2 enough to where we should not be left with in excess of a
11:42:26 3 hundred live claims still in the case.

11:42:28 4 So I'm going to enter the model order, and you all
11:42:31 5 are going to narrow the claims.

11:42:33 6 You didn't do it before the motion was filed. You
11:42:35 7 didn't do it mediating -- or meeting and conferring, I
11:42:40 8 should say, with each other for most of the morning today.
11:42:44 9 I'm not persuaded you're going to be able to do it. I
11:42:46 10 would have preferred you do it. I'm now convinced you
11:42:48 11 can't or won't do it, and so I'm going to do it for you by
11:42:51 12 way of the model order. And you should look for a slightly
11:42:54 13 modified version of that to be entered by the Court
11:42:57 14 hereafter.

11:42:58 15 You've withdrawn the motion to compel. Those
11:43:01 16 appear to be the three matters that are -- were set for
11:43:05 17 hearing today.

11:43:06 18 Is either side aware of anything that was properly
11:43:08 19 set that the Court's not heard from you on or otherwise
11:43:10 20 taken up?

11:43:12 21 Are you aware of anything else, Mr. Ray?

11:43:15 22 MR. RAY: No, I'm not, Your Honor.

11:43:16 23 THE COURT: Ms. Auth, are you aware of anything
11:43:18 24 else?

11:43:18 25 MS. AUTH: No, Your Honor.

11:43:19 1 THE COURT: All right. That will complete the
11:43:20 2 hearing today. Thank you, counsel, for your presence.
11:43:23 3 The Court stands in recess.
11:43:24 4 COURT SECURITY OFFICER: All rise.
11:43:26 5 (Hearing concluded.)

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/S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
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11:44:31