IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

TESSERA, INC. et al,	:	
	:	C.A. No. 16-0380-LPS-CJB
Plaintiffs,	:	
	:	
v.	:	
	:	
BROADCOM CORPORATION,	:	
	:	
Defendant.	:	

Wednesday, November 23, 2016
2:30 p.m.

Teleconference
Chambers of Judge Christopher J. Burke

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE Christopher J. Burke,
United States District Court Magistrate

APPEARANCES:

FARNAN LLP
BY: BRIAN FARNAN, ESQ.

-and-

COVINGTON & BURLING LLP
BY: LAURA MUSCHAMP, ESQ.
BY: CHRISTOPHER EPPICH, ESQ.

On behalf of Plaintiffs

APPEARANCES CONTINUED:

YOUNG CONAWAY STARGATT & TAYLOR, LLP
BY: ADAM POFF, ESQ.

-and-

KILPATRICK TOWNSEND & STOCKTON LLP
BY: ROBERT ARTUZ, ESQ.

-and-

FOLEY & LARDNER LLP
BY: STEVEN RIZZI, ESQ.
BY: RAMY HANNA, ESQ.

On behalf of Defendant

THE COURT: Good afternoon, everyone. It's Judge Burke here. Before we begin, let me just say a few things for the record. We here for a status teleconference regarding discovery issues in the matter of Tessera Inc. and Tessera Advanced Technologies, Inc. vs. Broadcom Corporation. It's Civil Action No. 16-380-LPS-CJB here in our court.

Because we're on the record for today's call, I have with me in my chambers a court reporter from the Hawkins Reporting Service who will be taking down the call this afternoon. So if counsel would identify themselves before they speak, that would help to make sure that we get a good and accurate record of our call today.

With that said, let's ask counsel to identify themselves for the record. We will begin with Plaintiff's counsel and there we will begin with Delaware counsel.

MR. FARNAN: Good afternoon, Your Honor. I'm Brian Farnan for the record. And with me is Laura Muschamp and Christopher Eppich both from Covington & Burling.

THE COURT: Okay. Good to speak to you all. And who's on for the Defendant's side?

MR. POFF: Good afternoon, Your Honor. Adam Poff from Young Conaway and with me from Kilpatrick Townsend Rob Artuz and from Foley & Lardner Steve Rizzi and Ramy Hanna.

THE COURT: To you all, good afternoon as well. We had originally scheduled this call for a couple of weeks ago and I apologize to the parties. I think we had to reschedule because I was unexpectedly ill and out of the office. So I appreciate it's been a few weeks since the parties submitted their letter of November 7th to me which is D.I. 53 on the docket.

I reviewed the letter and the purpose of the prior call is that I was trying to help the parties to narrow their disputes as to the nature of the core technical document production that the Defendant should have to make and I had issued a previous order providing some guidance. The parties had responded to my request in that November 7th letter.

Since there's been some time since that letter, I don't know whether the parties had any further discussion about these issues or have been able to further narrow or resolve any of them. Why don't I start by just asking each side to crystallize where they think things stand in terms of the outstanding disputes as to core technical documents regarding accused products as to the two patents-at-issue. And also, let me know in summarizing where things stand and what is still in dispute, whether there's been any resolution of any issues since your prior letter.

Why don't I get that initial summary first from Plaintiffs' counsel and then we will hear from counsel from Defendant's side.

MS. MUSCHAMP: Thank you, Your Honor. This is Laura Muschamp and I will address your question. There has not been any further discussion since the submission of the letters so the situation is essentially that for the '605 and '215 patents, and those are the two patents of thixotropic materials and Tessera has identified as being relevant to Broadcom's BGA

Flip Chip packages, the proposals are still submitted in the letter.

Tessera believes that the right number of representative products is the 27 products that have been identified by the long Product No. in this initial identification of an accused product and Broadcom has proposed that Tessera select 10 products. For the second patent family, the '563 patent, Your Honor requested some additional information on compliant layers and bonding ribbons.

We did provide that information. We did attach it to the letter as well. And we believe that that satisfactorily provides the information that the Court was seeking, but we're first happy to address any continuing concerns or additional information that the Court believes it needs.

THE COURT: Okay. Thank you, Ms. Muschamp, that was helpful and let me just get Defendant's take on whether that kind of accurately summarizes where we are.

MR. RIZZI: Thank you, Your Honor. This is Steven Rizzi for Broadcom. So the '215

and '605, yes, we offered Tessera its choice of 10 of the 27 long Part Nos. And again to clarify, it's not actually 10 BOMs associated with that. It's probably on the order of 100 or so and we gave one example where a single Part No. translated to more than 30 different BOMs, and it is a tedious process to track all of that down.

We think that's well within the spirit of Your Honor's order in terms of some smaller set than the full scope of what Tessera identified as accused products for that purpose. Also, one point that Ms. Muschamp didn't mention is the identification we received from Tessera of 39 compounds it allegedly contends are thixotropic within the meaning of the patent frankly raises more questions than answers, because we did our own search for technical datasheets for those products and we couldn't find all of them but we did find a fair number.

And in large part, most of the technical datasheets say nothing about whether or not these are thixotropic. Some include a thixotropic index, but most of them are silent.

So it really does raise the question of how is this list generated and what are the objectives, what are the contours of this term that is so fundamental to Tessera's patents.

Our concern based on kind of where we are is that Tessera's objective here is essentially to kind of use Broadcom's products to define what it means by thixotropic. In other words, if they want to know what Broadcom is using before they take a meaningful position on thixotropic, we believe that's improper. And that is why as indicated in our letter we think the process that we're in now in terms of identifying accused products and core technical documents should include in addition an identification by Tessera of frankly how it came up with its list, what are the criteria used to determine whether or not something is thixotropic given that most of the datasheets are silent on this.

And frankly, also they've indicated they eliminated some. We want to know which ones have been eliminated so that we can cross them off the list and not waste time of

having to deal with discovery on those. And --

THE COURT: Mr. Rizzi, let me stop you there because we're probably doing more than summarizing there. Why don't we focus on this first issue and then I'll turn back to Ms. Muschamp on the first issue. Then we can kind of pivot to the second. On the first, tell me if this is right, I gather what's going on here is there's a term used in the patent, thixotropic materials. The parties probably have different views of what that term means.

And part of what's going on is both sides are trying to tease out what the other side thinks that means, and it's clearly a dispute that we're probably going to have down the line in the case. I'm guessing maybe in claim construction as well.

Does everything that I've said so far generally sound right, Mr. Rizzi?

MR. RIZZI: Yes, Your Honor. I think definitely the meaning of thixotropic is certainly going to be an issue for claim construction, indefiniteness. The more we roll up our sleeves and dig into this, the more we

think it's going to be the case.

THE COURT: On that front, in terms of your disagreement with they've provided a certain number of what they deem to be thixotropic materials, you disagree. You found some evidence that suggest that certain of the materials they've identified aren't thixotropic, at least the way you define the term. Why does that matter at this stage?

I'm just trying to think of other scenarios where the Defendant says to the Plaintiff, we disagree with your construction of a term and you've got to come and tell us basically what all of your evidence is for how you define the term and particularly how you're thinking about it, and if you satisfy us, then maybe we will give you some core technical documents.

Isn't that kind of what you're asking, kind of a pretty detailed version of infringement contentions or kind of a detailed advanced preview of claim construction at this stage?

MR. RIZZI: I can explain, Your

Honor. I think the issue is we don't know -- at this point, we don't know what they've identified is or isn't. And the problem is it's essentially a subjective relative term. So the issue is without having some understanding of what process was used to prepare this list to identify, we don't know if there's a dispute. It's a complete moving target.

We're not coming out and saying we disagree this is thixotropic. We're saying we have no idea what Tessera even means by this. And I appreciate this goes to the issue of claim construction, but it's so fundamental to their claim of infringement that we don't think it's inappropriate now for Tessera to at least identify how did they come up with this list and put some broad parameters, of course it's going to be claim construction issues, but some broad parameters so we have some idea of what we're dealing with here, and what went into this decision as to identify something that is thixotropic versus not for purposes of their contentions.

THE COURT: I understand that

ultimately whether you disagree with their definition or what they claim is thixotropic doesn't matter. It's what you're looking for is some specificity about what they think is thixotropic so that you can gather all of the docs that you need to gather and obviously issues like that, although they might well be the kind of things that are flushed out in infringement contentions and in claim construction, sometimes they have to get addressed earlier because they provide some barriers to having efficient core technical document production and that's what we're trying to do here.

We're requiring the Plaintiff to do a little more than it normally would, to be a little more specific about what a term means because you have convinced me enough because you need a little more specificity to be able to make your production, but they have now provided you with at least 39 examples of what they think are thixotropic materials and we're going to be talking about a limited universe. We will have to decide how limited on this call bills of

materials you're going to provide to help them further kind of finalize that list.

I guess with that is the preamble, why isn't the discussion we need to have about this issue about whether 27 is the right number or 10 is the right number or some variation on that is the right number? Why does it need to be anything more than that for now?

MR. RIZZI: Because I can see the path we're going down, Your Honor, which is we're going to provide some bills of materials, whatever number it is, and Tessera is going to come back and say, okay, here is our list for the additional ones for the thixotropic. We will be in the same dark we are now in terms of how did they do that and it doesn't inform us at all about the rest of the universe of Broadcom's product as to how Broadcom is supposed to go about drawing the line. How --

THE COURT: If they do that, if they come back and here's our list, it's the same 39 or it's 27 or it's 42 and your concern is, look, I can look for products that incorporate these things but I can't look for

products that incorporate some other undetermined type of allegedly thixotropic materials. Presumably, you get traction with that type of response.

You would still be on the hook to look for the 42 or the 37 or whatever it is unless you would further say even doing that is unduly burdensome. Why wouldn't it kind of go that way?

MR. RIZZI: I think that's what we're proposing, Your Honor. We suggested 10 and we've said we're willing to go and collect those BOMs and give them to Tessera, but we think the response to that shouldn't just be, okay, here is the ones that are thixotropic, that response needs to include and here is why, so we have something more than Tessera's subjective thumbs up, thumbs down which does nothing to help us understand what actually is at issue here.

THE COURT: I know you used the word BOM. Are you saying bombs, B-o-m-b-s?

MR. RIZZI: Yes, I'm sorry, billing of materials. I think they're called

assembly construction, what has the information about the specific compounds that are used in the product.

THE COURT: Okay. So just in terms of the hierarchy here there's a Marketing Part No. that they identified in the pleadings and you've used an example the BCM No. on Page 4 of the letter. As to that, your assertion is that there are 15 unique I-Part Nos. How would you explain what an I-Part No. is as distinguished from something representative of the Marketing No. that's being described there?

MR. RIZZI: Well, I'm glad my colleague is on the phone Mr. Hanna. I'm going to let him handle that because he's much more familiar with that than I am.

THE COURT: Mr. Hanna, good afternoon to you.

MR. HANNA: Good afternoon, Your Honor. So a long Marketing Part No. sort of specifically based off of what's called the marketing core and that sort has to do with the chip functionality which is not related to the packaging issue discussed in this case. Now,

each time you do a package and you make a product in a particular way and you have this chip and you have to package it for a particular product, that's an I-Part No.

The I-Part No. is an internal number that says for Customer x,y, we're going to make 100 of a particular packaging type and within that packaging type here are the x,y, Y and Z parameters we're going to use or materials we're going to use. So each time there's a purchase order essentially, and I'm being sort of overly inclusive here, every time there's a purchase order it gets a Part No. for a particular product.

A purchase order can contain multiple orders of different things but each type of thing would be a different I-Part No. So if I may explain, Your Honor, say a long Marketing Part No. like a BMW 7 series, the I-Part No. would refer to all of the bells and whistles that go inside it, and they could vary a lot between one I-Part No. to the next.

THE COURT: So as to particular I-Part Nos., there's another level of gradation

which is assembly instructions. Help me understand assembly instructions, how that differs from what an I-Part No. is.

MR. HANNA: Sure. So an I-Part No. is the reference number that's used and we could use that to get the documents that went into building that product. And one of the documents is what's called a doc-com(ph) assembly instructions and within those instructions is sort of how you package that product and what materials went into that.

There are also documents as well such as bonding diagrams and substrate drawings and other different things that go into the structure of the package. But in terms of what the material is, a doc-com would be available in the assembly instructions.

THE COURT: We know here we're worried about a particular component, and that is whatever thixotropic materials are. And I think at the bottom of Page 4 of your letter what you were saying is, look, I don't know, it could be if you have a bunch of I-Part Nos. that in turn have a whole bunch of assembly

instructions per I-Part No., it might well be that the various different assembly instructions may not differ as to the particular allegedly thixotropic material used, but we just wouldn't know until we went in and looked at it. Is that the deal?

MR. HANNA: That's correct, Your Honor.

THE COURT: So is it fair to say that of the 27 Broadcom products that the Plaintiff identified, for each one of them there is some number of I-Part Nos. and then for each one of those I-Part Nos. there is some number of assembly instructions?

MR. HANNA: That's correct, Your Honor.

THE COURT: And your point would be that as to one of the ones you picked out, one of the Marketing Nos., it wasn't one, it's more like 33. So does that mean there's 33 different bills of materials for that one particular Marketing No.?

MR. HANNA: It could be. I don't have the letter right in front of me at this

point, Your Honor. But if it's 33 different I-Part Nos., it would be at least 33 assembly instructions.

THE COURT: I meant the example you used on Page 4 says 15 I-Part Nos. for that Marketing No., 33 different assembly instructions and that means we're using bill of materials as a synonym for assembly instructions; am I right?

MR. HANNA: That's correct, Your Honor.

THE COURT: So if we got 33 BOMs for one Marketing No., if that played out, we might have 33 times 27 if they were to get all that they wished for; is that right?

MR. HANNA: That's correct, Your Honor.

THE COURT: Okay. Mr. Rizzi, when you were saying BOMs, you meant B-O-M-s; is that right?

MR. RIZZI: Yes, I'm sorry, Your Honor, BOMs, assembly instructions. Just to finish that, the last piece of it is revision. So if a given assembly instruction may have been

revised over the years and that would also have to be checked, that again may or may not include a change in the materials that Tessera alleges is thixotropic.

THE COURT: But they're willing to limit it to the last three years. That might help, right?

MR. RIZZI: That might. That should reduce the number of revisions, but until we go in and collect them, we don't know.

THE COURT: How hard is it to collect, let's say we were just talking about collecting each of the 33 different assembly instructions for this one Marketing No. What's the proffer on how burdensome or prejudicial that is to the Defendant?

MR. RIZZI: Mr. Hanna can correct me if I'm wrong, but I believe one of the issues is for each different long marketing part, there could be a different technical lead and that person for better or worse is sort of the custodian of the correct documentation, and what we found is that there may be many different versions of assembly instructions but unless you

track down the person who is actually responsible for that part, you really can't tell which is sort of the operative set, and that can involve many different people because there are different leads associated with each of these long marketing parts. I will ask Mr. Hanna if I got that right.

MR. HANNA: So Mr. Rizzi is correct in some aspect, Your Honor. So, yes, there are chip leads that sort of would know which are the latest documents. For assembly instructions, many of them will be in our documents. Some of them may not be so we will have to get them manually. But even for the ones that are on our document management system, in some instances we would have to go and download them manually if we're not able to do it at the back-end. And we've seen some instances because we have the parallel ICC litigation where we actually have to go in and download them on a document-by-document basis.

THE COURT: And last question before I turn to the Plaintiffs' side: I see your proposal which is let's limit it as to 10

of these 27 and let the Plaintiff pick, but I'm just thinking about alternatives that might be less than the whole of what Plaintiff asked for but that might be a little more representative.

What if you were to try to figure out, well, what if the Plaintiff picked at least some I-Part Nos., not all but some, within each of the 27 Marketing No. categories with the idea that you were trying to get to roughly the same amount of documents as is reflective in your proposal but you were doing it not as to just 10 Marketing Nos., but as to all 27. Do you know what I'm asking?

And I guess the question is could you do that in a way that was not more burdensome than your proposal of 10?

MR. RIZZI: I will let Mr. Hanna address that. I think he will have a better grasp on that.

THE COURT: Sure. Mr. Hanna, was I clear enough in what I was asking?

MR. HANNA: Let me make sure I understand Your Honor. So Your Honor is saying the 27 Marketing Nos. will have a certain number

of I-Part Nos. so within each one of the 27, pick a subset of the I-Part Nos. and select for those. Did I get that right?

THE COURT: In other words, the Plaintiff seems particularly interested in wanting to get some bill of materials for each of the 27 Marketing Nos. that it called out in its pleadings. I can understand that. It's made at least some identification in its pleadings. It feels like that's a solid base of information that it wants to get core technical documents from.

But I understand you to be saying, look, each of those Marketing Nos., all 27 of them in turn reflect some larger subset of I-Part Nos. and some even larger subset of bills of materials and it's just too much. So if I was trying to think of alternatives to your proposal that would still allow the Plaintiff to get some information by way of bills of materials as to each of its 27 Marketing Nos., but maybe not the entirety of what they're asking for such that it was kind of a similar number of bills of materials as to what you've

proposed but just inclusive of all 27 Marketing Nos., is there a way we could figure that out and do that such that it wouldn't be materially different in its burden on the Defendant?

MR. HANNA: The way we would do it, Your Honor, and what I propose is maybe we can give them a list of all the I-Part Nos. that corresponds to the 27 parts and they tell us which I-Part Nos. they want from each. And let's say for the 27 they pick two or three I-Part Nos. and then they would go and look and see how many of those correspond and if it turns out to be a very large number, we could sort of have a discussion but obviously we would not know until we do that process.

THE COURT: Okay. I think we're on the same page at least in terms of what I'm asking. Ms. Muschamp, back to you. You've hard the questions I've been asking. I'm trying to get you a representative number of bills of materials here and I'm thinking you would prefer having that related to all of the 27 Marketing Nos. that you identified in some way. Is the kind of proposal I've suggested most recently

here something you think is a good thing more preferable than what the Defendant has proposed if you were to get something less than the entirety of what you've asked for?

MS. MUSCHAMP: Thank you, Your Honor. So I do appreciate the proposal. I do see some definite possibilities. I do want to make a couple of comments. This is the first time this information has been provided to us. Our concern in part is being able to make educated choices as opposed to just randomly picking two I-Part Nos.

So if we go the I-Part No. route, we would welcome to get that information. We would also want to receive the documents that explain what the numbers and letters that comprise that I-Part No. mean. So that, for example, say some of the numbers mean it's a reorder of a part on a different date but I don't want to pick the two I-Part Nos. that's kind of suggestive is identical and we can group those into representative products.

So I would request if we go the I-Part route, that Broadcom will also provide us

documents that explain the meaning between those numbers and letters. I don't know how an I-Part No. looks, but the long Product No. may be the 4334 XUHG, well, what does x,y, U, H, G mean, so we can make an educated decision and --

THE COURT: You don't want to ask for two different numbers thinking they're going to provide you with information about two different products and only to later realize you didn't know what you were asking for because you just got a bunch of numbers, and if you knew what the numbers meant, anybody could have seen that those requests were redundant, didn't make any sense. Is that what you're saying?

MS. MUSCHAMP: Correct, Your Honor. And it may be that every I-Part uses the same packaging materials and I'd like to make an educated choice to get some that looked as diverse as possible or some of them, for example, we've already said we're only interested in BGA and Flip Chip. So I want to limit it to the packaging types that we think are relevant, so that would be the reason to request that additional information so we can

make educated choices.

THE COURT: And you were going to make another point.

MS. MUSCHAMP: The other thing I wanted to -- if I understood right, this is the first time I've heard today but it sounded to me as well like a number of these assembly instructions are kept in the document management system and there isn't a substantial -- the burden doesn't lie so much in those documents as it is for someone and they have to manually pull documents.

We obviously have been trying to target discovery with the publicly available information that we have. But if I'm hearing it correctly that the point of assembly instructions that are maintained on the document production database at Broadcom is not as burdensome. One suggestion as I listen to this that I had was that those assembly instructions could be produced and reviewed as an initial step.

I don't know if those are for long Part Nos., I don't know if that's more based on

a time, I don't know why one is or isn't in the document management system, but it does seem logical that for those, maybe that production does get made on December 16th. We can review those and have a discussion for products that weren't available on that system that have to get manually pulled to look into it after we were able to review the initial set, and I may have misunderstood because I hadn't heard this before.

THE COURT: Well, that's why we're doing this. We're having some good communication and I appreciate that.

Mr. Hanna?

MR. HANNA: Yes, Your Honor.

THE COURT: On these two points -- well, let's do the second one first. Is it right that if we're talking about whatever number of bills of materials are implicated by the 27 Marketing Nos., and let's assume it's a big number, a couple of hundred, in terms of the burden on tracking those things down, is what Ms. Muschamp said correct, that it's a lot easier to find the ones that are already in the

document management system as opposed to ones that you might have to manually pull from somewhere else?

MR. HANNA: Yes and no, Your Honor. So the ones that are in the document management system, we may be able to locate them easily and they may not be all exhaustive because the document management system, I'm not sure if it goes back to six years or not. I have to check on that. But in some instances what we've come across in the ICC is that the system is not amendable to a back-end download where you can have an IT person grab it from the back-end. In some instances it is and some instances it's not.

In the instances where it's not, we've had to sit down at a computer and download them one document by one document.

THE COURT: For a particular bill of materials if it's downloadable versus if it's not downloadable, what is the difference in time/burden?

MR. HANNA: The burden would be sort of having to track it down manually within

the system which is not an easy task. The system is not as self-explanatory even for Broadcom personnel as one may think, but it would be a question of a large amount of time devoted.

And what Mr. Rizzi alluded to, Your Honor, without sort of having that idea we're downloading something that's even within what they're contending is thixotropic or not, we may download it and then figure out, oh, it's not one that is thixotropic. That's why I think, Your Honor, it was kind of important to mention what Mr. Rizzi said.

It's really important to understand, well, if it's not accused or is it potentially accused or is that the one that we are just downloading for the sake of downloading.

THE COURT: So those that are easily downloadable, those would not have to be tracked down manually but those that are not easily downloadable, would have to be tracked down manually; is that right?

MR. HANNA: Yes, that's fair, Your

Honor, or the ones that are not in the system at all would also have to be tracked down manually.

THE COURT: What does it mean to be in the system but not easily downloadable?

MR. HANNA: So in the system but not easily downloadable would come across, Your Honor, is that in some instances the system has somewhat what I'm going to call bugs, but I'm not entirely sure what the technical term is, that prevents us from downloading some of the documents. Where normally when you sort of want to do this the easy way, you get the list from the IT person and say, well, we want the documents of Type x,y for these Part Nos. and he will do that.

What we've come across is that's not possible in some instances. So what we've had to do in those instances to literally just sit at a computer terminal, pull one document at a time, download them and save them to a thumb drive.

THE COURT: So I guess to kind of force you out on maybe a question Ms. Muschamp might have asked, could we figure out of the 27

Marketing Nos., however many I-Part Nos. that implicated and in turn however BOMs that implicated, could you figure out how many of those BOMs were "easily downloadable" and with not too much burden produce all of the easily downloadable ones? Is that another potential path here?

MR. HANNA: We could check, Your Honor. We could definitely check into that, Your Honor.

THE COURT: And then on the first path that I was talking about which was, forget that, let's just identify some subset of I-Part Nos. that include I-Part Nos. for each of the 27 Marketing Nos. but not the entire amount of I-Part Nos. to reduce the burden, as to Ms. Muschamp's request, is there a way I can get a little more information of what these numbers might reflect so that I can make some educated choices instead of just picking them at random?

Is there any way to provide the Plaintiff with something amounting to the more information that Ms. Muschamp is asking for without requiring you to go in the first

instance and literally track all of these BOMs down to be able to provide extra information? Do you know what I'm asking?

MR. HANNA: Yes, Your Honor. And Ms. Muschamp alluded to sort of the decoders for the I-Part Nos. While that may be helpful on some level for the thixotropic material, it's likely not to have a lot of impact because it will not tell you what the material is used for the compound. It will not say that. If it was easy enough for us to decode from the I-Part No. to figure out it's either this or that, we would have done it on our end. The problem is -- we're happy to engage in sort of looking for the decoders, but it will not provide that information as far as I'm aware, Your Honor.

THE COURT: Would it provide any information that will be helpful for the Plaintiff in helping it make educated choices at least from the perspective of not requesting different I-Part Nos. that, in fact, really aren't all that different at all?

MR. HANNA: What it may provide, Your Honor, is sort of, and I think Ms. Muschamp

was correct on this, it will say this is a Flip Chip or this is a BGA, but it will not say any more than that. And this is based on memory, this is long streams of characters with a very large decoder, so it will say if it's a Flip chip or BGA.

THE COURT: Ms. Muschamp, back to you to kind of finish up here. Here is where I'm at which is if we're doing the rough math, what the Defendants have suggested, look, if you look at one Marketing No. that we have picked at random, there's 33 different BOMs for that. Now, maybe they picked the one that's the worst; I don't know. But at the most, if you played that out and you multiplied 33 times 27, you're talking about a little under 900 different BOMs.

I'm saying, okay, maybe the entirety of what you're asking for, every BOM for every one of the 27 I-Part Nos. that's a part of the 27 Marketing Nos. you requested is too much to ask, but I want you to be able to have some good amount of what you've asked for, and we've got two possibilities.

We've got the parties kind of

further discussing the Defendant providing some further information to decode the I-Part Nos. and then the Plaintiff makes a selection of I-Part Nos. within each of the 27 Marketing Nos. and the Defendant goes and finds the BOMs for each of those. That's one option.

Another option is maybe the parties talk a little further and the Plaintiff understands what it means to be easily downloadable in terms of a BOM and the Defendant gives the Plaintiff the easily downloadable BOMs that fall within these Marketing Nos. Would you like the opportunity to choose one or the other of those now or further talk with the Defendants about which one you would want to pick? What would you say?

MS. MUSCHAMP: I guess it's not an option for me to say let's have them to proceed in parallel. It's hard for me to know because just based on what I've heard today, I don't know if the answer back is going to be there's only two parts that are easily downloadable out of 900. Obviously, that would not be something we would be interested in.

And for the I-Part Nos., I could see that selecting some of the -- if I had to pick one today based on a limited number I know, I would have to go with the I-Part No. because we would have some idea that I'm picking a representative product looking at differences to see is the material changing or not. If I'm picking -- if a particular product has a BGA and a Flip Chip version, so I want pick one of both to see if the material is changing based on that. So if I had to pick one, I would proceed with the I-Part.

I do very much, however, also want to -- and I guess this is something Your Honor is suggesting, that we schedule a call with Broadcom to get a better sense of how many of these BOMs are easily downloadable because it is our -- again, the potential is hard to say, Your Honor, is it a representative product they provided or was it the most favorable they provide the numbers on.

If there are truly 900 BOMs and at least 500 are easily downloadable and they are across the 27 products, I think we can start

with that, even if it's 200 of those and they go across the product. So I guess I feel like I've gotten a little bit of information today, but not enough to make a great choice.

THE COURT: So you would like the opportunity to further discuss with Defendant and find a mutually agreeable option, either one or the other of these two or some combination thereof; is that correct?

MS. MUSCHAMP: I think, Your Honor, that would be the best approach. My only concern is the core document production is supposed to happen on December 16th, and obviously the infringement contentions are based off of that date as well so I just want to make sure that we are going to see a core document production on December 16th and if we set up another call just among the parties next week to talk about these two options, we're not going to run into, oh, no, we can't get you documents until January or something.

THE COURT: Okay. Mr. Hanna, Mr. Rizzi, would you like the opportunity to have a further conversation with Plaintiff as

opposed to me picking an option now, and then second question is assuming you did have a conversation at the beginning of next week, if you made the decision soon after, would the Plaintiffs be able to expect some documents produced in this regard on December 16th?

MR. RIZZI: Your Honor, this is Mr. Rizzi. I think honestly to ensure we can meet that deadline it would be best to make a decision today and move forward. We certainly started the process otherwise in core documents. We have a Markman hearing next week in the ICC so it's a lot going on and I think it would be more expeditious to make a decision today.

Mr. Hanna, correct if I'm wrong, but part of the problem is I don't think you can know in advance which ones are easily downloadable or not so you have to kind of go and first run everything through the process before you even know. So it's not like we can tell, well, here are the ones that are easily downloadable. Again, Mr. Hanna might have more information on that than I do.

THE COURT: Mr. Hanna, on those

questions?

MR. HANNA: I agree with Mr. Rizzi completely, Your Honor. I think it's going to be better if maybe we decide today in light of sort of deadlines that we're facing to make sure we are able to go and try. We will not be able to figure out what is easily downloadable until we go through the process and see what's there and we give it to IT and having them tell us are they easily downloadable from the system or not.

Your Honor, I know your order was clear but when we were talking about representative products, it's not representative products in sort of the down-the-road test because we obviously disagree that anything would be representative at this point, Your Honor.

THE COURT: Sure. What we're really trying to do here is we are trying to avoid disputes down the road over what types of products are accused, what kind of documents are core technical documents as to those products and we're really trying to provide in some ways without prejudicing either side too much the

Defendant with enough understanding of the types of products that Plaintiffs allege are accused or may be accused without requiring Plaintiffs to in essence provide Defendant its claim construction positions at this stage or its fulsome infringement contentions, and we're trying to thread a middle ground there.

I have sympathy for the idea that it's getting late and there's a lot going on in the ICC. The reality is if the parties had gotten on the phone with each other in the many weeks since our last call and done what we've done over the last 30 minutes, we wouldn't be sitting here November 23rd. We would be working towards a reasonable mid-ground solution from what was at issue in this November 7th letter.

Unfortunately, that didn't happen and we've had to go through this 30 minutes so I'm trying to get to a point where we can get to a production of documents on the 16th that is not unduly burdensome for the Defendant but moves us along in terms of where we stand. That's my goal at least.

So knowing that and knowing that I

need to make a decision now of the two options, as I said I'm not prepared to grant the Plaintiffs' request for every bill of materials that's implicated by every one of the 27 Marketing Nos. that they have identified. The Defendants have sufficiently explained to me why that could be not only a number of BOMs that might approach 1,000 but I have at least enough of an understanding as to why the man hours and time involved in identifying every single one of those may be unduly burdensome at this stage. With that said, I think the Plaintiff should get a substantial number of what it's asking for.

My decision would be that the Plaintiffs should identify and the Defendant should provide the Plaintiffs with sufficient information to help it identify some number of BOMs that fall within each of the 27 Marketing Nos.

Now, I don't know enough to know right now whether if I say two BOMs or seven or four, whether that makes any sense because I don't know how many BOMs there are within each of the 33 Marketing Nos., but it should be

something greater than two assuming -- I'm sorry. I said BOMs. Some number of I-Part Nos. that are within each of the 27 Marketing Nos., and I don't know how many I-Part Nos. there are so it seems to me it should be something greater than at least two I-Part Nos. or greater, assuming there are at least two I-Part Nos. within each of the Marketing Nos. and it probably should be no more than five.

So my hope is with that guidance the Defendant can provide the Plaintiffs with a list of I-Part Nos. across the 27 Marketing Nos. and some guidance or helpful decoding guidance as to what those I-Part Nos. represent. The Plaintiffs can quickly make a selection of somewhere between two and five I-Part Nos. within each of the 27 Marketing Nos. and then the Defendants can produce BOMs that relate to each of those I-Part Nos., and then at least some substantial part of that production, at least a very good start to that production, can be made by December 16th.

With that guidance, do the parties think that we can get to that end?

Ms. Muschamp, do you see any issues or any further clarification needed with regard to what the Court has suggested?

MS. MUSCHAMP: Just very briefly. I think generally that approach works. We obviously need the list of I-Part Nos. They are confidential. They're not publicly available so we need that list from Broadcom and we need the decoders from Broadcom. Assuming we can get those early next week, we will immediately start working on making a selection of those. There may be some products -- Your Honor may be right, there may only be two I-Part Nos. We don't know because that's all confidential but we are happy to take that approach.

I do want to make sure it's clear, as we go through this if we are discovering that within a multiple I-Part No. for the same part are all using thixotropic material, we're not precluded from seeking later discovery to say, hey, you're using this material, we think it's thixotropic, we want to know which other products use that material to get further discovery. I think this is a reasonable

approach. I just want to make sure it's not used later to say you're not entitled to any other discovery.

THE COURT: I understand what you're saying and at least in my mind, the Court is not putting a final limit on the absolute number of accused products that may be accused in the case. We are trying to get to a point where we reach that limit but it's a part of the process, not the endpoint at least in the Court's mind.

Mr. Rizzi, Mr. Hanna, the guidance that I provided is there further clarification that Defendants need and/or anything else that you think I haven't considered that I need to explain?

MR. RIZZI: I think that's fine, Your Honor. We can proceed along those lines. And in fairness, we know that not all of them have 33. There may well be some that have a small number so we're happy to proceed along those lines. In terms of timing, I believe it should be possible to provide this information by next week, but Mr. Hanna can chime in on that

if he thinks otherwise.

THE COURT: Mr. Hanna, if I'm trying to find a date in which I'm going to require you to provide the list of the I-Part Nos. across the 27 Marketing Nos. and some type of decoding information with regard to those, what is a reasonable date?

MR. HANNA: Just because this week is Thanksgiving, I'm sure everybody is out at this point, Your Honor, can we say Thursday or Friday of next week, Your Honor?

THE COURT: Ms. Muschamp, is that okay for you?

MS. MUSCHAMP: That's fine, Your Honor. As long as that still allows them to provide substantial documents on December 16th, that's really the date we're working off of.

THE COURT: If you got them next Thursday, Ms. Muschamp, when do you think you would be able to provide your I-Part No. selection?

MS. MUSCHAMP: So we would get those on December 1st or 2nd. If we work over the weekend, we could have them a selection by

Wednesday; that would be the 7th, hopefully sooner. We would definitely try to do it sooner but no later than December 7th.

THE COURT: Mr. Hanna, if you got the I-Part No. request by December 7th, would you be able to if not provide every BOM by the 16th, be able to at least provide a substantial number of them?

MR. HANNA: Yes, Your Honor.

THE COURT: Okay. Well, that's good enough for me. Obviously, to the extent the goal would be to provide all by then, but if that couldn't be achieved, to provide as many as possible and then to indicate when if more time was needed you expect the remainder to be produced. What is next Thursday? What is the date for next Thursday?

MR. HANNA: The 1st, Your Honor.

THE COURT: So to try to give as clear a guidance as I can, I'm going to order that the Defendants by no later than next Thursday, December 1st will provide a list of I-Part Nos. corresponding to the 27 Marketing Nos. that the Plaintiff has identified in their

pleadings and provide some decoding information with regard to those I-Part Nos. to allow Plaintiff to make their selections.

And then the Plaintiff by no later than December 7th will identify for Defendants a list of I-Part Nos. within each of the 27 Marketing Nos. for which they would like BOMs. That list of I-Part Nos. within a particular Marketing No. will be no less than two and no greater than five.

The Defendants will endeavor to produce the relevant BOMs for all of the selected I-Part Nos. by no later than December 16th. To the extent the Defendants are unable to produce the entirety of that information by the 16th, they will produce as much is as reasonably possible. And on the 16th they will provide indication to the Plaintiffs as to when they can expect the remainder of the documents, so I think we've got where we're going on Issue 1.

Issue 2 was addressed much more briefly in the letters and in a way it wasn't clear to me whether there might be some --

again, if there was some further conversation the parties might not have gotten there on their own. It sounds like that has not happened, but I had gotten a summary from Ms. Muschamp of the Plaintiffs' view as to where we stood on that issue and we never got there from the Defendants.

Who's going to speak on the Defendant's side on this issue?

MR. RIZZI: I will, Your Honor. Can I just briefly go back to Issue 1 first?

THE COURT: Sure.

MR. RIZZI: We had earlier discussed a while ago what happens next, so we understand Tessera on the 7th will identify the product, we will provide the BOMs of the order by the 16th, and then Tessera is going to tell us which additional compositions in those BOMS it alleges are thixotropic.

I just want to reiterate that that identification and maybe this is something we can revisit later but since it was raised in our letter, that that identification also include an explanation of how they got there so we do have

some objective guideposts to work with going forward, especially since Tessera has made it clear they're going to be pursuing discovery of other products besides these, and we're not in a situation where we'll let you know when we get the information to what thixotropic is without keeping us in the dark in terms of the actual issue at hand.

THE COURT: Actually --

MS. MUSCHAMP: Your Honor, may I address that?

THE COURT: Sure, Ms. Muschamp.

MS. MUSCHAMP: If you're going to decide that issue, I'd like to be hard on it. We do disagree with the Defendant that thixotropic is a term that's not understandable either from the art or the specification. And in particular, the specification gives an extensive description about thixotropic materials about how you have to have a reduced viscosity.

This isn't something we can manipulate. We can't change the viscosity of a material like here the way the Defendant is

suggesting. So I disagree that we should have to disclose work product or expert work in the early stages of discovery. We are more than happy after reviewing the BOMs to say these are the materials of the BOMs that are provided that we believe are thixotropic.

It may be fast. It may be -- like the one datasheet that they provided to Your Honor and it identifies on its face thixotropic, so it may be very easy to do, but not all datasheets do that. As to other BOM datasheets attached to the letter shows that it may require some testing and additional analysis. But to the extent that is expert work or work product of our client, we don't think it's appropriate to say that has to be disclosed prior to the dates that are already set in the scheduling order.

THE COURT: Well, what I would say is two things that this reminds me of. The first is why are we doing this, why are we getting a representative number of bills of materials. That's not the end. The end ultimately is that that's supposed to help the

Plaintiff further identify what are the accused products here as to these two patents, so there is going to be obviously some further articulation of that after these bill of materials are received and reviewed.

There's going to be some further articulation of what is the Plaintiff asserting are the thixotropic materials that would be included in products that the Defendants should further search for. And then the second thing is what more, if anything, am I going to order now that the Plaintiff do, and the answer is nothing right now.

I'm not certain that I will require the Plaintiff to provide a further description of how it determined what is a thixotropic material. But the thing I am certain of is I'm not going to order it now. I will say down the line if the Plaintiff at some stage is simply willing to say, I'm going to tell you what materials I believe are thixotropic so I want you to search for accused products that include these materials, that's one thing.

But if the Plaintiff isn't willing to say, let me further give you my definition for what is thixotropic material so that you can further search, if we get further down the line the Defendants might be able to say, well, look, at a certain point if you're only going to identify certain materials, we can look for those. But at some point if you're going to come back to us later and say, oh, yeah, by the way, here is this other list or here is this broader definition that we weren't willing to give you earlier, at some point the Defendants will be able to assert, you should have done that sooner. We're too far along.

For now I will give the Plaintiffs some leeway. I will not require that it provide the additional explanation the Defendants are asking for before 12/16 or sooner. It's all just to say that the Plaintiff too will have to make some choices, how much are they going to share about what is asserted to be a thixotropic material and the less information they provide, the greater the chance as we go along further if things drag on that the Defendants will be

able to say it's too prejudicial at this late stage to now open up a new category of accused products as to these patents.

With all that being said, I'm not going to require anything of the Plaintiffs but that's the guidance I would give. On the other issue, the issue as to the '563 process patent, what I asked the Plaintiff for and what I'm now asking the Defendant's counsel is can you give me an understanding of your view as to where the current dispute lies and what it is the Defendants are asserting should be the Court's position?

MR. RIZZI: Yes, Your Honor. Thank you. I think we're close on this one honestly. All we ask for is a better definition of essentially where the picture was taken in the product. If you look at what they provided, this is attached to the letter but it has no number. It's the page that has little balls on the bottom and they draw a line across the corner that says cross-section.

THE COURT: Are you referring to the parties' joint letter?

MR. RIZZI: Yes, Your Honor, Exhibit A.

THE COURT: Okay.

MR. RIZZI: This is the second image under Exhibit A, the line where it says cross-section.

THE COURT: Yes.

MR. RIZZI: And then presumably the next page purports to show an image of that cross-section. All we're asking for is a more precise definition of where this image is, where is this cross-section. And we ask that because these are devices with very minute details and we know that when a section like this is done, it has to be very precise because you're looking for a certain feature and you typically specify down to a fraction of a micron exactly the x,y coordinates of the cut that you're making so that you know exactly where you are and you're in the right area of interest within the semiconductor.

So all we've requested is that information so that we're sure that we know what we're looking at in this image and we can go to

the Broadcom technical people and uniquely specify for them exactly where this image was taken so they can be sure to identify the correct set of core technical documents.

THE COURT: This is on the request of Page 5 of your letter that they provide you with x,y coordinates as to the cross-section.

My question to you, Ms. Muschamp, is what is wrong with that request? Could you provide them with the respective coordinates they're asking for or do you see that their request creates problems?

MS. MUSCHAMP: Your Honor, if I can, Mr. Eppich is our resident expert on the '563 but generally I do think a request of fractions of a micron is a bit excessive for the production of core documents where we've identified 18 specific products. Mr. Eppich is more knowledgeable on this topic so I will turn it over to him.

THE COURT: Mr. Eppich?

MR. EPPICH: Good afternoon, Your Honor.

THE COURT: Good afternoon.

MR. EPPICH: I will first start with how we got to this point which is Broadcom's request and understanding of what the compliant layer and what various features of the claim that are depicted in this image are in one of the accused products so that they can have a better idea of the documents.

And at their request, we provided these tear-downs. We seem to forget, Your Honor, that this is Broadcom's product and this simple cross-section which the red line is accurate. It goes through that very most lower right-hand corner of the guide. This is a product that they have all of the design files, they have the engineers. And the image is very clear. It provides them with enough instruction to simply go and collect the relevant documents that are needed for the December 16th production. So whether or not we give them the x,y coordinates is really irrelevant to the point.

To answer your question, Your Honor, as to whether or not we can provide information, I would have to go back to our

tear-down people and ask them how difficult that is. But again, like I said even with those coordinates it's not going to change the information provided to the Defendant in this case, where they can simply go to the design files and look for themselves and see this information with their engineers.

And as I said, what we did provide gives them that direction and any information they need to at least make this initial production.

THE COURT: I guess maybe to help me further understand, if the assertion on the other side is we need to have a better understanding of what is the asserted compliant layer and what are the asserted bond ribbons that are said to be a part of an accused product here and you have given them a depiction of what that looks like and we kind of mutually agree that it comes roughly from the cross-section of the chip that's identified in the exhibit we were looking at, it sounds like what you're saying to me is I don't think giving them the exact coordinates of exactly where we took this

slice from should tell you anything about how to identify other products that would be accused.

If that's what you're saying to me, can you help me understand why that is?

MR. EPPICH: What I'm saying is simply providing the x,y coordinates of where this cross-section was taken, it's not going to change the information that we provided on the final slide. It's not going to change the arrow that we pointed to, to show them what the compliant layer is or what the bonding ribbon is in their product.

To us providing x,y coordinates is really unnecessary at this stage, where we've given them a photograph of the chip, we've given them the location of where we took the cross-section and then a detailed SCM image of the product itself showing them the information that they originally requested in order to help them produce documents by the 16th of December. And --

THE COURT: Right, but you're not answering my question and maybe I'm phrasing it improperly. The answer I was hoping for is

something like, Judge, the bottom line is the requests for coordinates is immaterial to an understanding of what type of product is accused because dot, dot, dot, because if you understood you would see that it doesn't matter where we took the slice from or what coordinates we took it from because and, again, fill in the blanks.

Help me understand why their request for more information is irrelevant or immaterial or why it is, not just saying it, but tell me why it is.

MR. EPPICH: I'm sorry if I wasn't clear but you're exactly right. We could have taken a cross-section at multiple points through that chip and it would have shown the same compliant layer and the same bonding ribbon. They may have looked a little bit different, but taking a slice almost anywhere on that guide is going to give you the same answer.

We selected the cut where we did because the bonding ribbon was shorter there between the terminal and the contact and it was just easy to depict in one simple image.

THE COURT: But you're saying,

look, the equivalent for our purposes of compliant layer and bond ribbon can be found likely in other parts of the chip, we just picked one. So knowing exactly where we took the slice from doesn't tell you anything that you need to know about whether or not some other product has the same kind of compliant layer or bond ribbon; is that right?

MR. EPPICH: That's right. We believe the SCM image we gave them communicates to the Defendants what we're saying is a compliant layer, what we're saying is a bonding ribbon.

THE COURT: Back to the Defendant's side, again, to help me understand. You seem to be asserting the opposite that, no, you really need to know exactly down to the microscopic level where they took this cross-section from to enable us to understand the types of products we should be looking for. Explain to me why that is and why you disagree with what Mr. Eppich said.

MR. RIZZI: Honestly, I really didn't think this would be this controversial.

They obviously have much -- I don't know what fraction of a micron, but they have a specific location that they can easily provide and it's not prejudicial. The way we got here, I don't agree with Mr. Eppich. Your order required them to identify what component in the accused product constitutes the bonding ribbon.

As I indicated before, these products have microscopic details in them down to fractions of a micron. It's tiny little details you can't see with a naked eye so in order for us to identify the specific component in the accused product, we need to know where this image was taken. And frankly, they really haven't identified where the image was taken because this cross-section is such a wide -- in the microscopic scale of these products, the cross-section is identified in a way that could cover multiple components.

THE COURT: But give me the next level of detail there. You said so we need to know exactly where this cross-section was taken in order to identify, to have a better understanding of what the compliant layer or

bonding ribbon that is because dot, dot, dot. If we didn't know exactly where this was taken, then I disagree with Mr. Eppich that in essence you could have gone to any different part of this chip and have found the same thing, tell me why. Help me understand why it is what's been provided is insufficient.

MR. RIZZI: I think that's the point, Your Honor. Without knowing exactly what they're showing here, how are we supposed to determine where else it might be found? We need to make sure we're on the same page in terms of understanding what they've actually identified in the chip. And the only way to be precise as possible is with respect to where this cut was taken and then we can go to the drawing and have the technical people say, okay, now we can identify what that feature actually is.

THE COURT: You're saying that you cannot based on the image provided by the other side identify within the chip what is asserted to be the compliant layer or the bond ribbon?

MR. RIZZI: I believe it's at least potentially ambiguous based on this, and

that's the concern. Essentially, the location of the cut is such a wide swath that at least potentially within the width of what they show is that line representing the cross-section there could be multiple features, and we don't know which of those features we're looking at.

THE COURT: Mr. Eppich, regardless of whether it's necessary, is Mr. Rizzi right, is it all that difficult for you to provide the coordinates they're asking for?

MR. EPPICH: Your Honor, honestly I don't know as I sit here today, but we are willing to go back to our tear-down people and work with them and ask them how difficult is it to provide these coordinates. I think the issue that Mr. Rizzi raised is that I disagree with the characterization that he is unable to work with Broadcom engineers at this point to determine exactly what's the accused compliant layer based on what we've provided. But as I said, we're happy to go back and see what information we can provide if that's what the Court desires.

THE COURT: If I was going to ask

that you do that and that you provide what information you can as to the requested coordinates by date X, can you give me a handle on when you think you would be in a position to do that?

MR. EPPICH: I'd like to say around the same time as the 1st of December as the Defendants have agreed to provide us with information on their own products, so I think we can aim for that. If this requires a complete reprocess, then that's another story.

THE COURT: Okay. Can you remind me, the December 16th date is the current date for core technical document production; is that correct?

MR. EPPICH: Yes, Your Honor.

THE COURT: So on this issue what I would say is that I've required the Plaintiff to do more, to provide some visual identifications of what are the particular components they are accusing here that will make up the compliant layer and bond ribbon. I think I previously had said that I didn't understand how describing that by how it was constituted,

i.e., what ingredients constituted it, how that was sufficient, but now I've seen the Plaintiffs provide a visual depiction of what is the asserted compliant layer and bond ribbon in at least one of the accused products.

What I guess I would say is that based on the materials provided to me on this call, I don't believe that the Defendants have sufficiently articulated to me that why it is what's been provided is insufficient for them to be able to make a core technical document production as to products that include the accused bond ribbon and compliant layer.

So based on what I have before me, I don't have any basis to suggest that the Plaintiffs need to do more before I'm expecting the Defendants to provide core technical documents as to accused products. To put it differently, to the extent that the Defendants are asserting that there is something deficient in what the Plaintiffs have provided, they haven't sufficiently made that case to me.

Nevertheless, although it's not necessarily information that should stand in the

way of Defendants making a core technical document production as to this patent, I will ask the Plaintiff to provide to the Defendant by no later than the 1st either the x,y coordinates for the cross-section that they identified or if they can't do so by then, some explanation for when they expect to do so or why they can't do so.

Mr. Eppich, did what I say make sense? Do you need any further clarification?

MR. EPPICH: It makes sense and thank you.

THE COURT: Mr. Rizzi, understanding what I've said, is there any further clarification you need?

MR. RIZZI: No, Your Honor.

THE COURT: All right. Counsel, thanks for your patience today. I appreciate it. I don't think I have any further scheduled teleconferences with the parties with regard to discovery issues. But again, as I think I said in a prior call, this may be the kind of case where it does make sense for me to regularly interact with them by phone as the discovery

process continues to make sure that I'm staying abreast of what the issues are, and if it's necessary, to try to help foster some good dialogue on how to resolve disputes.

I may set a further status teleconference at some point in the next few weeks perhaps after the core technical document deadline on the 16th hits. But for now at least I will have to see when that would be scheduled.

With all that said, I wish everybody a very Happy Thanksgiving holiday and I look forward to speaking to you in the future in this case. Thank you.

MR. RIZZI: Thank you, Your Honor.

MS. MUSCHAMP: Thank you, Your Honor.

(The proceedings ended at 4:20 p.m.)

C E R T I F I C A T I O N

I, Taneha Carroll, Professional Court Reporter, certify that the foregoing is a true and accurate transcript of the foregoing proceeding.

I further certify that I am neither attorney nor counsel for, nor related to nor employed by any of the parties to the action in which this proceeding was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

/s/Taneha Carroll
Taneha Carroll

Professional Reporter and Notary Public