

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION - SANTA ANA

PINN, INC., ) Case No. SACV 19-1805-DOC (JDEx)  
)  
Plaintiff, ) Santa Ana, California  
) Thursday, June 11, 2020  
v. ) 10:02 A.M. to 11:54 A.M.  
)  
APPLE INC., GOOGLE LLC, )  
et al., )  
)  
Defendants. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JOHN D. EARLY,  
UNITED STATES MAGISTRATE JUDGE.

Appearances: See Page 2  
Deputy Clerk: Maria Barr  
Court Reporter: Recorded; CourtSmart  
Transcription Service: JAMS Certified Transcription  
16000 Ventura Boulevard #1010  
Encino, California 91436  
(661) 609-4528

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

## 1 APPEARANCES:

2

For the Plaintiff:

3

Law Office of Ryan E. Hatch, P.C.  
By: RYAN E. HATCH  
13323 Washington Boulevard, Suite 100  
Los Angeles, California 90066  
(310) 279-5076  
[ryan@ryanehatch.com](mailto:ryan@ryanehatch.com)

4

5

6

Connor Kudlac Lee PLLC  
By: CABRACH J. CONNOR  
JENNIFER A. TATUM LEE  
609 Castle Ridge Road, Suite 450  
Austin, Texas 78746  
(512) 777-1254  
[cab@connorkudlaclee.com](mailto:cab@connorkudlaclee.com)  
[jennifer@connorkudlaclee.com](mailto:jennifer@connorkudlaclee.com)

7

8

9

10

11

Whitaker, Chalk, Swindle & Schwartz  
By: DAVID A. SKEELS  
301 Commerce Street, Suite 3500  
Fort Worth, TX 76102  
(817) 878-0500  
[dskeels@whitakerchalk.com](mailto:dskeels@whitakerchalk.com)

12

13

14

For the Defendants:

15

Fish & Richardson PC  
By: SETH M. SPROUL  
TUCKER NEPHI TERHUFEN  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070  
[sproul@fr.com](mailto:sproul@fr.com)  
[terhufen@fr.com](mailto:terhufen@fr.com)

16

17

18

19

Barnes & Thornburg LLP  
By: JEFFREY M. BARRON  
TODD G. VARE  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
(317) 231-7751  
[jeff.barron@btlaw.com](mailto:jeff.barron@btlaw.com)  
[todd.vare@btlaw.com](mailto:todd.vare@btlaw.com)

20

21

22

23

24

25

Barnes & Thornburg LLP  
By: ROYA RAHMANPOUR  
2029 Century Park East, Suite 300  
Los Angeles, California 90067-2904  
(310) 284-3880  
[roya.rahmanpour@btlaw.com](mailto:roya.rahmanpour@btlaw.com)

1 SANTA ANA, CALIFORNIA, THURSDAY, JUNE 11, 2020, 10:02 A.M.

2 (Call to Order of the Court.)

3 THE COURT: -- going to see if I can expedite  
4 things -- Maria, do you have the list? -- based on the  
5 appearances that have been made. It takes too long to try to  
6 go through a role over the phone.

7 Here's what I have as far as people on the call:

8 On behalf of plaintiff, I have Ryan Hatch,  
9 Cabrach Connor, David Skeels, and Jennifer Tatum.

10 Let me direct this to Mr. Hatch: On behalf of  
11 plaintiff, is that the extent of the folks present on this  
12 call this morning?

13 RICHARD E. HATCH: Yes, I believe so. And it was  
14 -- Mrs. Tatum -- it's actually Mrs. Tatum-Lee, I believe.

15 THE COURT: Okay. And who's going to be speaking  
16 on behalf of plaintiffs? Designate one person so that we --  
17 so that I know and so that the record is clear since we don't  
18 have a court reporter that can identify people.

19 MR. HATCH: Sure. If I can defer that question to  
20 Cabrach Connor, and he can identify that person.

21 DAVID E. SKEELS: Thank you. Your Honor, this is  
22 David Skeels on behalf of Pinn. I'll be handling a number of  
23 issues. We had -- depending on what the questions are, the  
24 issues that come up, Jennifer Lee or Cabrach Connor may  
25 address the question, if that's okay, but if you need one

1 lead designated attorney, that would be me, David Skeels.

2 THE COURT: You're going to be the lead attorney.  
3 If you want to defer to someone, you have to state that  
4 person's name so that we have a record of who's speaking.

5 MR. SKEELS: Absolutely. Thank you. Thank you,  
6 Your Honor.

7 THE COURT: All right. Turning to Apple, I have  
8 present Mr. Seth Sproul, Tucker Nephi Terhufen, and also  
9 Joy B. Kete, who -- Kete -- who has a pro hac vice motion  
10 pending apparently, and then Mr. James Wiley on behalf of  
11 Apple.

12 I'll take -- before I ask if that's all, Ms. Kete,  
13 I can't rule on your pro hac vice motion. I'm a discovery  
14 referral judge here. So you're certainly welcome on the  
15 call, but you won't be able to make any appearances and if --  
16 Mr. Wiley is also welcome but as -- if he hasn't made an  
17 appearance in the case, he won't be able to argue.

18 So let me ask Mr. Sproul: Who on behalf of Apple  
19 is going to be designated as counsel in charge of argument  
20 this morning?

21 SETH M. SPROUL: Good morning, Your Honor.  
22 Seth Sproul. I will be handling the argument. I had  
23 intended to allow Ms. Kete to argue as well and was going to  
24 ask if there was some special dispensation that we could --  
25 or some agreement we could reach whereby you could allow her

1 because we don't believe those will be produced within ten  
2 days, and we don't think that we will have the ability to  
3 fully review them within ten days to meet the supplementation  
4 deadline that Your Honor has ordered. Specifically --

5 THE COURT: All right. Can you remind me -- or  
6 verify something for me. The request for productions were  
7 served late January; is that right?

8 MR. SPROUL: Well, Pinn has asserted that, but in  
9 fact, discovery didn't open, and so they weren't deemed  
10 served until late February when we completed the 26(f)  
11 conference.

12 THE COURT: Well, I'm not sure I agree with that.

13 MR. SPROUL: And so --

14 THE COURT: I'm not sure agree with your  
15 interpretation. 26 -- Rule 26 and Rule 34 allow document  
16 requests to be served before the parties' conference, and it  
17 doesn't say "completed." It says when they "first start."  
18 That's when the date runs from.

19 MR. SPROUL: Your Honor, my understanding is that  
20 -- and I don't have the rule in front of me -- is that the  
21 RFPs may be served earlier, but they aren't deemed served  
22 until that 26(f) conference and the date --

23 THE COURT: Until the Rule 26 conference first  
24 starts. So, if it goes over multiple days, it's the date the  
25 first -- it first starts.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.