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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) C-25-00951 PCP
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.) FEBRUARY 14, 2025
)
HEWLETT PACKARD ENTERPRISE CO.) PAGES 1-15
AND JUNIPER NETWORKS, INC.,)
)
DEFENDANTS.)
_____)

TRANSCRIPT OF ZOOM PROCEEDINGS
BEFORE THE HONORABLE P. CASEY PITTS
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
BY: MICHAEL J. FREEMAN
JEREMY M. GOLDSTEIN
CRAIG CONRATH
450 FIFTH STREET, NW, SUITE 4000
WASHINGTON, D.C. 20530

BY: AARON M. SHEANIN
450 GOLDEN GAVE AVENUE, SUITE 10-0101
SAN FRANCISCO, CALIFORNIA 94102

APPEARANCES CONTINUED ON THE NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

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APPEARANCES (CONTINUED)

FOR DEFENDANT
HEWLETT PACKARD:

FRESHFIELDS US LLP
BY: JULIE S. ELMER
700 13TH STREET NW
WASHINGTON, D.C. 20005

GIBSON, DUNN & CRUTCHER LLP
BY: MICHAEL J. PERRY
1700 M STREET, N.W.
WASHINGTON, D.C. 20036

FOR DEFENDANT
JUNIPER:

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
BY: STEVEN C. SUNSHINE
1440 NEW YORK AVENUE N.W.
WASHINGTON, D.C. 20005

1 SAN JOSE, CALIFORNIA

FEBRUARY 14, 2025

2 P R O C E E D I N G S

3 (ZOOM PROCEEDINGS CONVENED AT 1:44 P.M.)

4 THE CLERK: OKAY. AGAIN, APOLOGIES FOR THE DELAY.

5 WE ARE NOW CALLING CASE NUMBER 25-CV-951, UNITED STATES
6 VERSUS HEWLETT PACKARD, ET AL., ON TODAY FOR THE STATUS
7 CONFERENCE.

8 WILL THE PARTIES PLEASE STATE THEIR APPEARANCES FOR THE
9 RECORD, BEGINNING WITH PLAINTIFF'S COUNSEL.

10 MR. FREEMAN: GOOD AFTERNOON.

11 MICHAEL FREEMAN ON BEHALF OF THE DEPARTMENT OF JUSTICE.
12 WITH ME TODAY IS CRAIG CONRATH, JEREMY GOLDSTEIN, AND
13 AARON SHEANIN.

14 THANK YOU, YOUR HONOR.

15 THE COURT: GOOD AFTERNOON.

16 MS. ELMER: GOOD AFTERNOON, YOUR HONOR.

17 JULIE ELMER FOR DEFENDANT HEWLETT PACKARD ENTERPRISE.

18 THE COURT: GOOD AFTERNOON.

19 MR. PERRY: GOOD AFTERNOON, YOUR HONOR.

20 MICHAEL PERRY, ALSO FOR HEWLETT PACKARD ENTERPRISE.

21 THE COURT: OKAY. GOOD AFTERNOON.

22 WE'RE NOT GETTING ANY AUDIO FROM YOU NOW, MR. SUNSHINE.

23 MR. SUNSHINE: THANK YOU.

24 STEVE SUNSHINE ON BEHALF OF JUNIPER NETWORKS, INC., YOUR
25 HONOR. GOOD AFTERNOON.

1 THE COURT: GOOD AFTERNOON. IS THAT -- I GUESS
2 THAT'S EVERYONE.

3 OKAY. WELL, THANK YOU FOR JUMPING ON. YOU KNOW, I
4 THOUGHT THAT -- FIRST, THANK YOU FOR YOUR PATIENCE AND FOR
5 DEALING WITH ME MOVING THINGS AROUND A LITTLE BIT.

6 MY 2:00 O'CLOCK CALENDAR EMPTIED OUT TODAY, AND I THOUGHT
7 IT MIGHT BE A LITTLE NICER FOR THE FOLKS ON THE EAST COAST TO
8 DO THIS AT 4:30 RATHER THAN 6:00 O'CLOCK, SO THAT'S THE REASON
9 I MOVED IT UP A LITTLE BIT.

10 I'VE SEEN THE PARTIES' FILINGS, OBVIOUSLY, ABOUT WHERE
11 THINGS STAND. IT DOES SOUND LIKE THERE'S BEEN SOME PROGRESS IN
12 WORKING THROUGH SOME THINGS AND THAT THERE'S BEEN -- YOU KNOW,
13 THAT THE PARTIES HAVE, UNDERSTANDABLY, SORT OF STARTED TO DO
14 WHAT THEY NEED TO DO TO GET MOVING INTO DISCOVERY.

15 SO I GUESS MY -- THE QUESTION I HAVE IS, YOU KNOW, DOES IT
16 MAKE SENSE TO SET A CMC FOR ABOUT TWO WEEKS FROM TODAY,
17 PERHAPS, OR THE FOLLOWING MONDAY DEPENDING ON THE PARTIES'
18 AVAILABILITY, AND TO GIVE YOU A WEEK TO CONTINUE TO WORK
19 THROUGH ANY ISSUES THAT YOU NEED TO WORK THROUGH AND TO DO A
20 CASE MANAGEMENT, JOINT CASE MANAGEMENT STATEMENT BY THE END OF
21 NEXT WEEK THAT IDENTIFIES ANY AREAS THAT WE NEED TO WORK
22 THROUGH, INCLUDING THE TRIAL SCHEDULE?

23 I'M NOT KIND OF IN A POSITION RIGHT NOW TO SAY THAT I WANT
24 TO DO THIS IN JUNE OR I WANT TO DO THIS IN SEPTEMBER. I THINK
25 I'D LIKE TO SPEND MORE TIME WITH THE PARTIES' PROPOSALS AND

1 GIVE THEM A LITTLE MORE TIME TO SEE IF THEY CAN REACH ANY
2 AGREEMENT.

3 BUT THAT'S KIND OF WHERE MY THINKING IS RIGHT NOW, AND
4 I -- AS IT STANDS, I COULD DO SOMETHING -- THE OTHER FACTOR I'M
5 DEALING WITH IS THAT I AM IN TRIAL RIGHT NOW, WHICH LIMITS MY
6 AVAILABILITY A LITTLE BIT.

7 BUT I COULD -- WE COULD DO, LIKE, 2:00 O'CLOCK ON FRIDAY,
8 THE 28TH, IF THAT IS A TIME THAT WORKS FOR PEOPLE.

9 BUT LET ME -- SO THAT'S KIND OF WHERE I'M THINKING ON WHAT
10 WE'RE DOING, BUT LET ME HEAR FROM, PERHAPS FROM THE DEPARTMENT
11 OF JUSTICE FIRST ON WHERE THINGS STAND AND IF THAT APPROACH
12 MAKES SENSE OR IF WE SHOULD DO SOMETHING ELSE.

13 MR. FREEMAN: CERTAINLY, YOUR HONOR.

14 THAT APPROACH MAKES SENSE AND IS AMENABLE TO THE
15 GOVERNMENT.

16 WHERE THINGS STAND, THE COURT I THINK PROPERLY SUMMARIZED
17 IT, IS WE ARE CONTINUING TO WORK THROUGH ISSUES. WE MET AND
18 CONFERRED YESTERDAY. SHORTLY BEFORE JOINING, WE SENT RED LINES
19 ON THE TWO REMAINING ESI PROTOCOL AND THE CML AND HOPE TO
20 NARROW THOSE ISSUES, AND BELIEVE NEXT WEEK WE WILL BE EITHER
21 HOPEFULLY NARROWED AND IN AGREEMENT ON MANY AREAS, BUT BELIEVE
22 THERE WILL BE SOME AREAS OF IMPASSE THAT WE CAN PRESENT TO THE
23 COURT. SO THAT TIMING MAKES SENSE.

24 THANK YOU, YOUR HONOR.

25 THE COURT: AND HEWLETT PACKARD, WHAT IS -- WHAT --

1 DOES THAT WORK FOR YOU?

2 MS. ELMER: YOUR HONOR, I GUESS OUR REAL CONCERN HERE
3 IS THAT EVERY DAY THAT TICKS BY IS BRINGING US ONE DAY CLOSER
4 TO THE TERMINATION DATE IN THE PARTIES' MERGER AGREEMENT.

5 THE PARTIES' MERGER AGREEMENT -- YOU KNOW, THIS IS A
6 HEAVILY NEGOTIATED \$14 BILLION MERGER AGREEMENT. THE
7 TERMINATION DATE IS OCTOBER 9TH.

8 GENERALLY IN THESE TYPES OF MERGER CASES, PARTIES ARE ABLE
9 TO NEGOTIATE A TRIAL SCHEDULE MUCH MORE QUICKLY.

10 WE'VE BEEN AT THIS FOR TWO WEEKS NOW. WE'VE BEEN TRYING
11 VERY HARD TO REACH AGREEMENT ON AS MANY ITEMS AS WE CAN WITH
12 THE GOVERNMENT, AND WE HAVE MADE PROGRESS.

13 BUT EVEN TODAY, WE JUST GOT A RED LINE FROM THE GOVERNMENT
14 AT 4:12 P.M. EASTERN TIME, AND THERE IS STILL A SEPTEMBER 8TH
15 DATE, WHICH DOES NOT AFFORD THE COURT ENOUGH OPPORTUNITY TO
16 ACTUALLY GET AN OPINION WRITTEN AND HAVING THE BENEFIT OF AT
17 LEAST A LITTLE BIT OF POST-TRIAL BRIEFINGS.

18 I THINK BOTH PARTIES AGREE THAT THE TRIAL OF THIS, OF THIS
19 MATTER WOULD REQUIRE ABOUT TEN DAYS.

20 SO THAT'S WHAT WE'RE UP AGAINST IS THE REAL NEED TO BEGIN
21 DISCOVERY.

22 THE COURT: OKAY. I MEAN, I DON'T SEE -- I GUESS
23 WHAT -- AND I UNDERSTAND THAT, AND LIKE I SAID, I'M NOT IN A
24 POSITION TO SET A TRIAL DATE AT THIS POINT.

25 ONE THING I WANTED TO CLARIFY, I ASSUME THIS IS THE CASE,

1 BUT THIS WOULD BE A BENCH TRIAL; CORRECT?

2 MS. ELMER: THAT'S CORRECT, YOUR HONOR.

3 THE COURT: I MEAN, WHAT I THINK -- YOU KNOW, THERE'S
4 NO REASON THAT THE PARTIES SHOULDN'T DIVE HEAD FIRST -- YOU
5 KNOW, WHILE NEGOTIATING THESE OTHER THINGS, IT SEEMS
6 APPROPRIATE THAT THE PARTIES DIVE HEAD FIRST INTO THE DISCOVERY
7 PROCESS.

8 I WILL DECIDE AT THAT CMC WHEN THE TRIAL DATE WILL BE, AND
9 I MAY PICK JUNE. I MAY GO WITH YOUR -- IF THE PARTIES HAVEN'T
10 REACHED AGREEMENT, I MAY GO WITH YOUR PROPOSAL, SO YOU SHOULD
11 CERTAINLY BE SETTING YOURSELVES UP IN THE TIME BEING FOR THE
12 POSSIBILITY THAT THIS WILL GO BEFORE SEPTEMBER.

13 YOU KNOW, I CERTAINLY DON'T -- I WOULD ENCOURAGE THE
14 GOVERNMENT NOT TO ASSUME THAT THAT'S NOT POSSIBLE AND TO, YOU
15 KNOW, BE TAKING THE STEPS THAT ARE NEEDED NOW TO ENABLE THAT,
16 AND THEN WE'LL DECIDE TWO WEEKS FROM NOW WHEN THE ACTUAL TRIAL
17 DATE WILL BE.

18 MR. SUNSHINE: YOUR HONOR, STEVE SUNSHINE FROM
19 JUNIPER.

20 AND CERTAINLY WE UNDERSTAND THE COURT'S SCHEDULE AND WE
21 ARE GOING TO WORK TO YOUR CONVENIENCE.

22 I THINK ONE THING THAT EXPERIENCE, IN HAVING DONE A LOT OF
23 THESE MERGER LITIGATION TRIALS, AND KNOWING MY COLLEAGUES ON
24 BOTH SIDES OF THE CAPTION HAVE DONE A LOT, TOO, THERE IS A
25 PRETTY STANDARD FORMAT FOR WHAT THE CASE MANAGEMENT ORDER LOOKS

1 LIKE. WE ALL KNOW WHAT THE STEPS ARE, AND WE'VE FOUND IN THE
2 PAST THAT WE VERY QUICKLY COME TO AN AGREEMENT ONCE WE KNOW
3 WHAT THE TRIAL DATE IS AND WORK BACKWARDS, AND ONE OF THE
4 REASONS WE APPROACHED YOU WHEN WE DID IS THAT WE SEEM TO HAVE A
5 REAL DIFFERENCE OF VIEW WHEN THAT TRIAL DATE IS.

6 AND TO THE EXTENT THAT THE COURT CAN GIVE US ANY GUIDANCE
7 IN WHATEVER YOU CAN GIVE US GUIDANCE, I THINK THAT, AS KIND OF
8 OUR COLLEAGUES AROUND THE BAR, I THINK WE WOULD COME TO A
9 RESOLUTION VERY QUICKLY AND THERE WOULD BE FEW ISSUES FOR --
10 THAT WOULD REALLY NEED YOUR GUIDANCE AND INSTRUCTION.

11 THE COURT: WELL, YOU KNOW, I THINK WHAT WILL BE
12 HELPFUL IS TO WORK AND IDENTIFY EVERYTHING THAT YOU NEED TO --
13 THAT YOU ADOPTED OVER THE NEXT WEEK, SUBMIT A JOINT CASE
14 MANAGEMENT STATEMENT THAT SETS FORTH THE AREAS OF AGREEMENT AND
15 THE CONTINUING AREAS OF DISAGREEMENT.

16 IF I DECIDE, ON THE BASIS OF THE STATEMENTS THAT HAVE
17 ALREADY BEEN PROVIDED, AS WELL AS THERE ARE COMPETING
18 SCHEDULES, IF I DECIDE TO ADOPT ONE, I WILL DO SO IN ADVANCE OF
19 THE HEARING, THE SCHEDULED CMC, SO THAT YOU HAVE THAT
20 INFORMATION; OR IF I DECIDE THAT I THINK A DIFFERENT TRIAL DATE
21 IS THE ONE THAT WE SHOULD GO WITH, IT'S NEITHER OF THE PARTIES'
22 OPTIONS, I WILL LET THE PARTIES KNOW THAT I'VE DONE SO AND
23 PROBABLY ASK YOU TO JUST SUBMIT A REVISED PROPOSED CASE
24 SCHEDULE THAT REFLECTS THAT TRIAL DATE.

25 YOU KNOW, SIMILARLY, IF WE -- I MEAN, ON THAT FRONT, IF WE

1 SET IT AT THE CMC, I PRESUME, FOR THE REASON THAT YOU'VE
2 IDENTIFIED, THAT PROBABLY BY LATER THAT DAY, OR MONDAY MORNING
3 AT THE EARLIEST, THE PARTIES COULD GET ME THE CASE SCHEDULE
4 THAT REFLECTS THAT TRIAL DATE.

5 MR. FREEMAN: YOUR HONOR, IF I MAY?

6 THE COURT: SURE. MR. FREEMAN.

7 MR. FREEMAN: YEAH. ONE OF THE AREAS OF DISAGREEMENT
8 IS NOT JUST THE TRIAL SCHEDULE ITSELF, BUT ALL OF THE PRECEDING
9 DATES WITHIN DISCOVERY, AND I THINK A LITTLE BIT OF THE
10 DIFFERENCE OF PERSPECTIVE OF WE TRIED TO COME AT IT FROM WHAT
11 NEEDS TO HAPPEN FROM THE FILING OF THE COMPLAINT UNTIL TRIAL,
12 WHAT ARE REASONABLE TIMEFRAMES?

13 FOR INSTANCE, THE PROPOSAL BY THE PLAINTIFFS IS ROUGHLY
14 40 DAYS OF FACT DISCOVERY FOR 50 DEPOSITIONS. OURS IS ABOUT
15 TWICE THAT.

16 THEIRS CALLS FOR ONE DAY OF EXPERT OPINIONS AFTER THE
17 CLOSE OF FACT DISCOVERY. WE HAVE ONE WEEK.

18 WHY I BRING THAT UP, YOUR HONOR, IT'S DIFFICULT TO PROCEED
19 AS IF THE CASE IS POTENTIALLY GOING IN JUNE, WHICH WE
20 UNDERSTAND, TO BACKDATE THAT, THOUGH, WITHOUT CLARITY AS WE DO
21 HAVE DIVERGING OPINIONS ABOUT WHAT IS APPROPRIATE TIMEFRAMES TO
22 DO THE DEPOSITIONS, TO DO EXPERT REPORTS.

23 WE REALLY NEED A HOLISTIC APPROACH TO THE SCHEDULE AS
24 OPPOSED TO JUST LOOKING AT THE END DATE.

25 THE COURT: I MEAN, I UNDERSTAND -- I UNDERSTAND

1 THAT. I DON'T HAVE -- I'M NOT PREPARED TO CHOOSE A TRIAL DATE
2 AND SET A SCHEDULE AT THIS TIME, AND AS I SAID, I WANT TO
3 DISCUSS IT WHEN WE HAVE THE CASE MANAGEMENT CONFERENCE.

4 AND -- YEAH. IT'S -- IT'S VERY DIFFICULT TO FIND --
5 HONESTLY, TO THE EXTENT THAT WE NEED TO DO THIS AND GIVE IT
6 SOME TIME IF THE PARTIES ARE IN SIGNIFICANT DISAGREEMENT, THEN,
7 BECAUSE OF MY ONGOING TRIAL, THERE'S BASICALLY NO BREAKS THAT
8 ARE AVAILABLE BEFORE THAT TIME PERIOD.

9 SO, I MEAN, I UNDERSTAND. I THINK, YOU KNOW, YOU SHOULD
10 DO AS MUCH AS YOU CAN OVER THE NEXT TWO WEEKS AND, YOU KNOW,
11 YOU SHOULD INCLUDE IN YOUR CASE MANAGEMENT STATEMENT, AND IF
12 THERE'S FURTHER UPDATE FOLLOWING THAT WHERE THINGS ARE, HOW
13 DISCOVERY HAS PROGRESSED, YOU CAN DO A SUPPLEMENTAL STATEMENT
14 ON THE DAY BEFORE THE CASE MANAGEMENT CONFERENCE SO WE CAN SEE
15 WHERE THINGS STAND AND WHAT AMOUNT OF TIME IS REALISTICALLY
16 NECESSARY FOR ALL OF THE DIFFERENT PIECES, I THINK THEN WE CAN
17 DISCUSS THAT AT THAT TIME.

18 MS. ELMER: YOUR HONOR, IF I MAY?

19 IT WOULD BE VERY HELPFUL IF WE COULD JUST GET CONFIRMATION
20 AGAIN THAT WE COULD BEGIN DISCOVERY NOW, BECAUSE A PROTECTIVE
21 ORDER IS NOW IN PLACE THAT THE PARTIES JOINTLY SUBMITTED, AND
22 WE SAW THAT THE MAGISTRATE ENTERED, AND THE PARTIES HAVE THEIR
23 ANSWERS ON FILE.

24 AND I THINK IF WE CAN JUST BEGIN DISCOVERY NOW, THAT WOULD
25 HELP US AS WE, YOU KNOW, WAIT UNTIL YOUR HONOR HAS TIME TO HEAR

1 THIS DISPUTE.

2 THE COURT: IS THERE -- I MEAN, I WOULD SAY THAT
3 SEEMS APPROPRIATE. I DO WANT TO HEAR THE GOVERNMENT'S
4 POSITION. YOU KNOW, HAD WE -- UNDER THE NORMAL SCHEDULE, YOUR
5 DEADLINE TO MEET AND CONFER IN ADVANCE OF THE CMC WOULD BE
6 TODAY IF WE DO IT TWO WEEKS FROM TODAY, AND THAT WOULD BE YOUR
7 26(F) CONFERENCE SETTING OFF THE RIGHT TO TAKE DISCOVERY, SO
8 THAT WOULD SEEM APPROPRIATE.

9 BUT IS THERE -- DOES THE GOVERNMENT HAVE ANY OPPOSITION TO
10 THAT APPROACH?

11 MR. FREEMAN: YOUR HONOR, I THINK THERE STILL IS
12 DISAGREEMENT IN REGARDS TO THE ESI ORDER, SO IT'S HARD TO OPEN
13 DISCOVERY NOT KNOWING THE PRECISE NATURE OF AGREEMENT ON THE
14 ESI ORDER.

15 OUR PROPOSAL, THOUGH, IS TO KICK START DISCOVERY I BELIEVE
16 FEBRUARY 28TH IN ITS FULL, AND THAT WOULD BE CONSISTENT WITH
17 THE COURT'S SCHEDULE THAT YOU'VE ARTICULATED.

18 THE COURT: I MEAN, I -- I GUESS I -- IT'S HARD FOR
19 ME TO SEE ANY REASON YOU CAN'T -- I CAN SAY DISCOVERY IS OPEN.
20 I MEAN, THAT DOESN'T -- YOU DON'T NEED TO HAVE ALL OF THE
21 PROVISIONS THAT WILL GOVERN THE PRODUCTION.

22 YOU KNOW, IF THERE'S ELECTRONIC INFORMATION SUBJECT TO AN
23 ESI PROTOCOL THAT HASN'T YET BEEN PRODUCED, YOU CAN CONTINUE TO
24 WORK ON THAT.

25 IT'S CERTAINLY -- YOU KNOW, DISCOVERY OPENING JUST MEANS,

1 IN THE FIRST INSTANCE, IF THE GOVERNMENT HAS ITS REQUESTS FOR
2 PRODUCTION READY, IF IT HAS INTERROGATORIES, YOU KNOW, THEY CAN
3 DO THAT.

4 AND SIMILARLY, THE DEFENDANTS HAVE THE RIGHT TO SERVE
5 THEIR DISCOVERY, YOU KNOW, AND PRESUMABLY THE PARTIES ARE GOING
6 TO WANT TO MOVE FAST.

7 BUT IS THERE ANY -- I DON'T SEE A REASON WE WOULDN'T OPEN
8 DISCOVERY TO ALLOW -- TO GET THE PAPERS TO START FLOWING AT THE
9 VERY LEAST IN TERMS OF THOSE MATTERS.

10 IS THERE ANY REASON NOT TO DO THAT?

11 MR. FREEMAN: NO, YOUR HONOR. THANK YOU.

12 THE COURT: OKAY. SO I WILL -- I WILL ALLOW EARLY
13 DISCOVERY TO THE EXTENT THAT TODAY IS PRIOR TO THE PARTIES'
14 FORMAL RULE 26(F) CONFERENCE, SO THE PARTIES MAY, YOU KNOW,
15 BEGIN TO SERVE DISCOVERY REQUESTS TODAY.

16 AND, YOU KNOW, YOU CAN DECIDE AMONGST YOURSELVES WHEN THE
17 APPROPRIATE TIME FOR INITIAL DISCLOSURES ARE IN LIGHT OF THE
18 OPENING OF DISCOVERY.

19 BUT I SEE NO REASON NOT TO GET STARTED ON THAT, AND
20 ESPECIALLY IF THAT IS A MAJOR AREA OF DISPUTE BETWEEN THE
21 PARTIES ON HOW MUCH TIME WE'RE GOING TO HAVE FOR DISCOVERY.

22 THEY ARE RIGHT, THE ANSWERS ARE ON FILE. IT SEEMS TO ME
23 THAT ALL WE'RE REALLY PREPARING FOR IS THE BENCH TRIAL, SO GET
24 MOVING ON THAT FRONT.

25 MS. ELMER: THANK YOU, YOUR HONOR.

1 THE COURT: OKAY. IS THERE -- SO THE -- I THINK THE
2 PLAN, AS IT STANDS, WILL BE I'LL ASK FOR THE PARTIES TO SUBMIT
3 THEIR JOINT CASE MANAGEMENT STATEMENT BY NEXT FRIDAY. I DON'T
4 HAVE A STRONG -- YOU KNOW, I'M FINE JUST SAYING FRIDAY, WHICH
5 MEANS YOU CAN GET IT IN AT 11:59. I ENCOURAGE YOU TO GET IT IN
6 BEFORE THAT, BUT I'M NOT GOING TO SET A SPECIFIC DEADLINE.

7 AND THEN WE'LL HAVE THE CASE MANAGEMENT CONFERENCE AT
8 2:00 O'CLOCK ON FRIDAY, FEBRUARY 28TH. YOU KNOW, IT IS
9 POSSIBLE THAT MY -- I WILL HAVE A JURY OUT, AND IN WHICH CASE I
10 MIGHT HAVE TO -- IF THEY COME BACK DURING THE MIDST OF IT, WE
11 MAY NEED TO TAKE A BREAK TO DEAL WITH THAT, BUT HOPEFULLY THEY
12 WON'T.

13 AND IT PROBABLY MAKES SENSE, THE DAY BEFOREHAND, ON
14 THURSDAY, FEBRUARY 27TH, TO SUBMIT JUST AN ADDITIONAL UPDATE TO
15 THE EXTENT THAT THERE HAVE BEEN ANY FURTHER DEVELOPMENTS IN
16 DISCOVERY OR OTHERWISE BETWEEN THE FILING OF THE JOINT CASE
17 MANAGEMENT STATEMENT AND -- ACTUALLY, YOU KNOW WHAT? MAYBE
18 FILE THAT ON THE MORNING OF FRIDAY, FEBRUARY 28TH, AND I'LL BE
19 SURE TO REVIEW THAT BEFORE WE MEET.

20 ANOTHER QUESTION IS WHETHER THE PARTIES WOULD PREFER TO DO
21 THAT IN PERSON OR VIRTUALLY.

22 MR. FREEMAN: WHATEVER IS YOUR NORMAL COURSE, YOUR
23 HONOR, IS GOOD WITH US.

24 THE COURT: I LIKE SEEING PEOPLE IN PERSON IN THE
25 COURTROOM, AND CERTAINLY IT AVOIDS SOME OF THE CHALLENGES WE'VE

1 ENCOUNTERED ALREADY TODAY.

2 SO I'LL PLAN TO SET IT TO BE IN MY COURTROOM HERE IN
3 SAN JOSE THAT DAY.

4 OKAY. IS THERE ANYTHING ELSE FROM THE GOVERNMENT THAT YOU
5 WANTED TO ADDRESS TODAY?

6 MR. FREEMAN: NO. THANK YOU, YOUR HONOR.

7 THE COURT: ANYTHING ELSE FROM HEWLETT PACKARD?

8 MS. ELMER: NO, YOUR HONOR.

9 THE COURT: ANYTHING ELSE FROM JUNIPER?

10 MR. SUNSHINE: NO, YOUR HONOR. THANK YOU.

11 THE COURT: OKAY. WELL, THANK YOU.

12 I WILL LOOK FORWARD TO SEEING YOUR SUBMISSIONS AND SEEING
13 EVERYONE IN PERSON IN TWO WEEKS.

14 AND OBVIOUSLY I ENCOURAGE YOU TO CONTINUE WORKING TOGETHER
15 TO FIND AS MUCH AGREEMENT AS POSSIBLE. THAT'S ALWAYS THE BEST
16 WAY TO APPROACH THESE THINGS SO THAT I CAN REALLY FOCUS ON THE
17 REAL MERITS OF THE ISSUES THAT ARE PRESENTED TO ME. SO I
18 ENCOURAGE THAT.

19 IF SOMETHING COMES UP IN THE MEANTIME THAT, YOU KNOW,
20 ABSOLUTELY REQUIRES A FURTHER STATUS CONFERENCE, YOU CAN JUST
21 CONTACT MY COURTROOM DEPUTY OR FILE A JOINT STIPULATION OF A
22 REQUEST FOR A FURTHER STATUS CONFERENCE. BUT I WOULDN'T EXPECT
23 THAT TO BE NECESSARY IN THE NEXT TWO WEEKS.

24 MS. ELMER: THANK YOU, YOUR HONOR.

25 MR. FREEMAN: UNDERSTOOD. THANK YOU.

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THE COURT: THANK YOU. HAVE A GOOD AFTERNOON.

MR. FREEMAN: TAKE CARE.

THE CLERK: THANK YOU. COURT IS CONCLUDED.

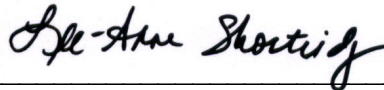
(THE PROCEEDINGS WERE CONCLUDED AT 2:00 P.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF ZOOM PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: FEBRUARY 14, 2025