

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

The Honorable WILLIAM H. ALSUP

Date: April 18, 2012

Case No.: **C10-03561 WHA**

Case Name: **ORACLE AMERICA, INC. v. GOOGLE INC.**

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; Andrew Temkin; David Boies; Dorian Daley
Steven Holtzman; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Christa Anderson; Dan Purcell; Michael Kwun; Bruce Baber
Catherine Lacavera (Corporate Representative)

Clerk: Dawn K. Toland

Court Reporter: Kathy Sullivan; Debra Pas

Trial Began: April 16, 2012

Further Trial: April 19, 2012 at 7:30 am

Trial Motions Heard:

Disposition

- | | | |
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| 1. | | |
| 2. | | |
| 3. | | |

Other:

Counsel provided the Clerk a cd of Larry Ellison deposition excerpts played to the jury on 4/17/12.

Time in Trial: 5 hours 30 minutes

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EXHIBIT and WITNESS LIST

| | | |
|-----------------------------------|---|---|
| JUDGE: WILLIAM H. ALSUP | PLAINTIFF ATTORNEY: Michael Jacobs; Dan Muino Fred Norton; Andrew Temkin David Boies; Dorian Daley Steven Holtzman | DEFENSE ATTORNEY: Robert Van Nest; Christa Anderson Dan Purcell; Michael Kwun Bruce Baber |
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| TRIAL DATE: April 18, 2012 | REPORTER(S): Kathy Sullivan; Debra Pas | CLERK: Dawn Toland |
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| PLF NO. | DEF NO | DATE OFFERED | ID | REC | DESCRIPTION | BY |
|-------------|--------|----------------|----------|----------|--|----|
| | | <u>7:30 am</u> | | | <u>Outside the presence of the jury. Court addressed issues regarding media access. Deposition designations of Larry Page played yesterday is admitted into evidence as exhibit 1041. Court received the Larry Page deposition exhibits marked as trial exhibits 1, 2, 7 and 401. Court and counsel discussed the number of methods. Counsel addressed issued of late disclosures and party admission re exhibit 10. Court provided the amount of time used for case in chief.</u> | |
| <u>1041</u> | | | <u>x</u> | <u>x</u> | <u>Deposition designation of Larry Page played by video</u> | |
| <u>1</u> | | | <u>x</u> | <u>x</u> | <u>Android GPS Key Strategic Decisions Around Open Source</u> | |
| <u>2</u> | | | <u>x</u> | <u>x</u> | <u>Email from Andy Rubin to wmc@google.com</u> | |
| <u>7</u> | | | <u>x</u> | <u>x</u> | <u>Email from Tracey Cole to Andy Rubin includng email from Rubin to Page</u> | |
| <u>401</u> | | | <u>x</u> | <u>x</u> | <u>Email from Nick Sears to emg@google.com</u> | |
| | | <u>8:00 am</u> | | | <u>Reconvene...jury present</u> | |
| | | | | | <u>Court addressed the jury regarding attorney contact and gave an 'introduction' to what is a copyright</u> | |
| | | <u>8:22 am</u> | | | <u>Examination of Larry Page continued</u> | |
| <u>1</u> | | | <u>x</u> | <u>x</u> | <u>Android GPS Key Strategic Decisions Around Open Source</u> | |
| <u>2</u> | | | <u>x</u> | <u>x</u> | <u>Email from Andy Rubin to wmc@google.com</u> | |
| <u>7</u> | | | <u>x</u> | <u>x</u> | <u>Email from Tracey Cole to Andy Rubin including email from Rubin to Page</u> | |
| <u>431</u> | | | <u>x</u> | | <u>Email from Cathay Bi to Alan Eagle re BOD question (objection sustained)</u> | |
| <u>432</u> | | | <u>x</u> | | <u>Email from Sean Dempsey to Jonathan Rosenberg re Tony h, including presentation</u> | |
| <u>2</u> | | | <u>x</u> | <u>x</u> | <u>Email from Andy Rubin to wmc@google.com</u> | |

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|------|------|-----------------|---|---|---|
| 6 | | | x | x | <u>Email from Andy Rubin to emg@google.com including Android GPS presentation</u> |
| 10 | | | x | | <u>Email from Tim Lindholm to Andy Rubin re Context for discussion</u> |
| | | <u>9:00 am</u> | | | <u>Cross Examination by Robert Van Nest</u> |
| | | <u>9:10 am</u> | | | <u>Redirect Examination</u> |
| 6 | | | x | x | <u>Email from Andy Rubin to emg@google.com including Android GPS presentation</u> |
| 2 | | | x | x | <u>Email from Andy Rubin to wmc@google.com</u> |
| | | <u>9:19 am</u> | | | <u>Witness Excused</u> |
| | | <u>9:20 am</u> | | | <u>Recess</u> |
| | | <u>9:40 am</u> | | | <u>Reconvene...jury present</u> |
| | | | | | <u>Plaintiff's witness Edward Screven sworn-in. Direct by Fred Norton</u> |
| 2347 | | | x | x | <u>Letter dated June 22, 2007 from Apache Software Foundation to Schwartz</u> |
| | | <u>10:25 am</u> | | | <u>Cross Examination by Daniel Purcell</u> |
| | 2237 | | x | x | <u>Oracle Acquisition of Sole Control Over Sun Microsystems</u> |
| | 2347 | | x | x | <u>Letter dated June 22, 2007 from Apache Software Foundation to Schwartz</u> |
| | | <u>11:00 am</u> | | | <u>Redirect</u> |
| 2237 | | | x | x | <u>Oracle Acquisition of Sole Control Over Sun Microsystems</u> |
| | | <u>11:15 am</u> | | | <u>Witness Excused</u> |
| | | <u>11:15 am</u> | | | <u>Recess</u> |
| | | <u>11:30 am</u> | | | <u>Outside the presence of the jury. Michael Jacobs advised the Court the parties stipulate to the admission of the following exhibits: 450, 451, 452, 453, 454, 455, 460, 461, 462, 463, 464, 475, 476, 509, 510, 511, 513, 518, 520, 521, 523, 524, 526, 595, 596, 597, 598, 599, 601, 602, 603 and 659. Exhibits received.</u> |
| | | <u>11:34 am</u> | | | <u>Reconvene...jury present</u> |
| | | | | | <u>Plaintiff's witness Mark Reinhold sworn-in. Direct by Michael Jacobs</u> |
| 1028 | | | x | x | <u>Java Class Libraries Poster (smaller version in folder)</u> |
| 610 | | | x | | <u>JDK 5 Binaries, documentation (withdrawn)</u> |
| 984 | | | x | x | <u>The Java Language Specification Third Edition</u> |
| | | <u>1:00 pm</u> | | | <u>Recess until 4/29/12 at 2:00 pm</u> |