

Estrich Declaration

Exhibit 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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| APPLE INC., A CALIFORNIA CORPORATION, |) | C-11-01846 LHK |
| |) | |
| |) | SAN JOSE, CALIFORNIA |
| PLAINTIFF, |) | |
| |) | JULY 30, 2012 |
| VS. |) | |
| |) | VOLUME 1 |
| SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, |) | PAGES 1-282 |
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| |) | |
| DEFENDANTS. |) | |

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

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

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

2 FOR PLAINTIFF MORRISON & FOERSTER
APPLE: BY: HAROLD J. MCELHINNY
3 MICHAEL A. JACOBS
 RACHEL KREVANS
4 425 MARKET STREET
 SAN FRANCISCO, CALIFORNIA 94105

5
6 FOR COUNTERCLAIMANT WILMER, CUTLER, PICKERING,
APPLE: HALE AND DORR
7 BY: WILLIAM F. LEE
 60 STATE STREET
8 BOSTON, MASSACHUSETTS 02109

9 BY: MARK D. SELWYN
10 950 PAGE MILL ROAD
 PALO ALTO, CALIFORNIA 94304

11 FOR THE DEFENDANT: QUINN, EMANUEL, URQUHART,
 OLIVER & HEDGES
12 BY: CHARLES K. VERHOEVEN
 50 CALIFORNIA STREET, 22ND FLOOR
13 SAN FRANCISCO, CALIFORNIA 94111

14 BY: VICTORIA F. MAROULIS
 KEVIN P.B. JOHNSON
15 555 TWIN DOLPHIN DRIVE
 SUITE 560
16 REDWOOD SHORES, CALIFORNIA 94065

17 BY: MICHAEL T. ZELLER
 WILLIAM C. PRICE
18 865 SOUTH FIGUEROA STREET
 10TH FLOOR
19 LOS ANGELES, CALIFORNIA 90017

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AFTERNOON SESSION

1
2 (WHEREUPON, THE FOLLOWING PROCEEDINGS
3 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
4 JURORS.)

5 THE COURT: OKAY. ONE QUESTION THAT I
6 HAVE -- WELCOME BACK, EVERYBODY -- IS WHAT WE
7 SHOULD DO TODAY AFTER THE JURY IS SELECTED.

8 I COULD SHOW THEM THE VIDEO AND READ THE
9 STATEMENT REGARDING THE FEDERAL JUDICIAL CENTER
10 VIDEO.

11 I'M RELUCTANT TO START WITH THE JURY
12 INSTRUCTIONS IF WE DON'T HAVE THE LIMITING
13 INSTRUCTION AS TO MR. NISHIBORI COMPLETELY
14 RESOLVED, AND I DON'T WANT TO SORT OF READ IT
15 SEPARATELY AS AN ADD-ON TOMORROW.

16 DOES THAT MAKE ANY SENSE? BECAUSE THEN
17 IT JUST MAKES IT SEEM LIKE THAT'S NOT PART OF THE
18 PACK.

19 MR. VERHOEVEN: YES, YOUR HONOR.

20 THE COURT: SO SHOULD WE AT LEAST SHOW
21 THE VIDEO? I DON'T WANT TO ALSO LOSE A GOOD CHUNK
22 OF TIME THIS AFTERNOON, EITHER.

23 SO WE COULD SHOW THE VIDEO AND JUST READ
24 THE FJC STATEMENT AND JUST SAVE THE READING OF ALL
25 THE JURY INSTRUCTIONS UNTIL TOMORROW, OR I COULD AT

1 LEAST READ THE PRELIMINARY ONES AND GIVE THEM THE
2 BOOKS TOMORROW FOR ALL OF THEM.

3 DO HAVE ANY THOUGHTS ON THIS?

4 MR. VERHOEVEN: I THINK WE AGREE THAT IT
5 WOULDN'T MAKE SENSE TO SEPARATE THE NISHIBORI
6 INSTRUCTION SEPARATE FROM THE OTHERS AND THE
7 INITIAL INCLINATION WOULD BE CORRECT.

8 MR. MCELHINNY: I ACTUALLY DON'T -- I
9 THINK THE PROPER TIME FOR A LIMITING INSTRUCTION IS
10 WHEN THE EVIDENCE -- I BELIEVE THAT THE TIME FOR
11 THE LIMITING INSTRUCTION IS WHEN THE EVIDENCE COMES
12 INTO EVIDENCE.

13 BUT IF YOUR HONOR IS GOING TO ALLOW IT IN
14 THE OPENING, THEN I THINK THAT'S THE FIRST TIME
15 THEY'LL HEAR IT AND THAT'S IT.

16 I THINK A LIMITING INSTRUCTION THAT
17 POINTS TO SPECIFIC EVIDENCE AND SAYS "THIS IS THE
18 REASON I'M LETTING THIS IN," TO FOLD THAT IN A
19 PACKAGE OF FOUR MINUTES OF PRELIMINARY -- I THINK
20 IT OBTIATES THE PURPOSE OF IT BECAUSE IT'S SUPPOSED
21 TO BE TYING THE JURY'S MIND TO WHEN THEY FIRST HEAR
22 THE EVIDENCE SO THEY KNOW WHAT YOU'RE TALKING
23 ABOUT.

24 THE COURT: ALL RIGHT. LET'S BRING OUR
25 JURY UP --

1 THE CLERK: I'M WAITING TO HEAR FROM
2 MR. YOUNGER IF THEY'RE ALL DOWN THERE.

3 THE COURT: I'M SORRY?

4 THE CLERK: I'M WAITING TO HEAR FROM J
5 WHETHER THEY'RE ALL DOWN THERE. HE WAS GOING TO DO
6 ANOTHER ROLE CALL.

7 THE COURT: OH, ON ALL OF THEM? OKAY.

8 (DISCUSSION OFF THE RECORD BETWEEN THE
9 COURT AND THE CLERK.)

10 (PAUSE IN PROCEEDINGS.)

11 (WHEREUPON, THE FOLLOWING PROCEEDINGS
12 WERE HELD IN OF THE PRESENCE OF THE PROSPECTIVE
13 JURORS.)

14 THE COURT: OKAY. WELCOME BACK. PLEASE
15 TAKE A SEAT. WE HAD A FEW MORE DEPARTURES IN YOUR
16 ABSENCE.

17 LET'S CONTINUE WITH THE QUESTIONS.

18 THE NEXT QUESTION IS, HAVE YOU OR A
19 FAMILY MEMBER OR SOMEONE VERY CLOSE TO YOU EVER
20 BEEN INVOLVED IN A LAWSUIT, EITHER AS A PLAINTIFF,
21 A DEFENDANT, OR AS A WITNESS?

22 LET'S SEE. ON THE FIRST ROW, WHO WOULD
23 RAISE THEIR HAND TO THAT QUESTION?

24 ALL RIGHT. LET'S GO TO MR. HOGAN.

25 PROSPECTIVE JUROR: IN 2008, AFTER MY

1 COMPANY WENT BELLY UP, THE PROGRAMMER THAT WORKED
2 FOR ME FILED A LAWSUIT AGAINST ME AND ULTIMATELY,
3 ACROSS THE NEXT FEW MONTHS, IT WAS DISMISSED AND IN
4 SUCH A FASHION THAT NEITHER ONE OF US COULD SUE THE
5 OTHER ONE FOR THAT MATTER.

6 THE COURT: WHAT WAS HIS -- WHAT WAS THE
7 EMPLOYEE'S CLAIM?

8 PROSPECTIVE JUROR: IT WAS A DISPUTE OVER
9 THE SOFTWARE THAT WE HAD DEVELOPED, WHETHER IT
10 BELONGED TO THE COMPANY OR TO HIM, AND I HAD
11 DOCUMENTS THAT SHOWED IT BELONGED TO THE COMPANY.

12 ULTIMATELY, AS I SAID, IT WOULD -- WE
13 SETTLED OUT OF COURT AND IT WAS DISMISSED.

14 THE COURT: ALL RIGHT. ANYTHING ABOUT
15 THAT EXPERIENCE THAT WOULD AFFECT YOUR ABILITY TO
16 BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS CASE?

17 PROSPECTIVE JUROR: I DON'T BELIEVE SO.

18 THE COURT: OKAY. WAS THERE ANY
19 DISPUTE -- WAS THERE ANY DISPUTE AS TO WHO HAD
20 CREATED AND INVENTED THE TECHNOLOGY, OR WAS IT
21 LARGELY WHO HAD OWNERSHIP OF IT?

22 PROSPECTIVE JUROR: IT WAS STRICTLY WHO
23 HAD OWNERSHIP OF IT, AND ULTIMATELY IT WAS
24 ESTABLISHED THAT THE COMPANY DID HAVE OWNERSHIP OF
25 IT, ALTHOUGH -- AND I STILL DO -- ALTHOUGH THE

1 COMPANY IS NOT IN BUSINESS ANY LONGER.

2 THE COURT: I SEE. BUT WAS THERE A SORT
3 OF DISPUTE AS TO WHO HAD CREATED OR INVENTED THE
4 TECHNOLOGY AS PART OF THAT OWNERSHIP QUESTION?

5 PROSPECTIVE JUROR: YES, THERE WAS.

6 THE COURT: UM-HUM.

7 PROSPECTIVE JUROR: BUT LIKE I SAID, WE
8 SETTLED THAT -- BECAUSE OF DOCUMENTATION I HAD, WE
9 WERE ABLE TO SETTLE IT OUT OF COURT AND THEN WE
10 WENT BACK TO COURT ONE LAST TIME FOR THE DISMISSAL
11 PAPERWORK.

12 THE COURT: OKAY. ALL RIGHT. THANK YOU.
13 MS. ROUGIERI, I THINK YOU RAISED YOUR
14 CARD?

15 PROSPECTIVE JUROR: YES, I DID.

16 THE COURT: GO AHEAD.

17 PROSPECTIVE JUROR: I BROUGHT A LAWSUIT
18 AGAINST A DENTIST. THAT WAS IN 2005, 2006.

19 THE COURT: OH, CAN WE HAVE THE
20 MICROPHONE? APPARENTLY IN THE OVERFLOW ROOM, THEY
21 CAN'T HEAR THE JURORS WITHOUT THE MICROPHONE.

22 THANK YOU.

23 PROSPECTIVE JUROR: I HAD A SMALL CLAIM
24 AGAINST A DENTIST THAT WAS IN 2005. IT WORKED OUT
25 THAT WHEN WE DID THE SMALL CLAIM, I WON THE FIRST

1 TIME, AND HE HAD AN APPEAL AND HE BROUGHT HIS
2 LAWYER AND I LOST.

3 THE COURT: ALL RIGHT. SO YOU
4 REPRESENTED YOURSELF? WAS THAT IN SMALL CLAIMS
5 COURT?

6 PROSPECTIVE JUROR: IT WAS IN SMALL
7 CLAIMS COURT.

8 THE COURT: OKAY. ANYTHING ABOUT THAT
9 EXPERIENCE THAT WOULD AFFECT YOUR ABILITY TO BE
10 FAIR AND IMPARTIAL IN THIS CASE?

11 PROSPECTIVE JUROR: WELL, NO.

12 BUT IT AFFECTED ME BECAUSE THE LAWYER
13 KNOWS THE JUDGE. THE LAWYER THAT WAS AGAINST ME
14 KNOWS THE JUDGE, SO THEY WERE TALKING FRIENDLY
15 TERMS IN A WAY THAT THE CHILDREN, THEY PLAYED EACH
16 OTHER TOGETHER IN SCHOOL.

17 AND THAT REALLY I THINK -- MY BELIEF IS
18 THAT THAT'S HOW I LOST THE CASE, BECAUSE THE LAWYER
19 KNOWS THE JUDGE.

20 THE COURT: WAS THAT AFTER IT WAS
21 APPEALED TO THE SUPERIOR COURT JUDGE?

22 PROSPECTIVE JUROR: YES.

23 THE COURT: AND YOU'RE SAYING THAT THE
24 LAWYER KNEW THE SUPERIOR COURT JUDGE?

25 PROSPECTIVE JUROR: CORRECT, YES.

1 THE COURT: I SEE. AND YOU THOUGHT THAT
2 THERE WAS SOME UNFAIRNESS?

3 PROSPECTIVE JUROR: UNFAIRNESS TO THAT,
4 YES.

5 THE COURT: OKAY. WOULD YOUR NEGATIVE
6 IMPRESSION FROM THAT EXPERIENCE SPILL OVER INTO
7 THIS CASE AT ALL?

8 PROSPECTIVE JUROR: NO, NO, YOUR HONOR.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR: I -- NO, YOUR HONOR.

11 THE COURT: ALL RIGHT. AND THIS IS FOR
12 EVERYONE.

13 WE'LL TALK FURTHER ABOUT WHO'S BEEN ON
14 JURY DUTY, BUT THERE ARE DEFINITELY DIFFERENT, YOU
15 KNOW, STANDARDS OF PROOF IN DIFFERENT CASES, AND I
16 JUST WANTED TO MAKE SURE -- YOU ALL HAD CIVIL
17 CASES, SO I WOULD ASSUME THAT YOU ALSO HAD, YOU
18 KNOW, PREPONDERANCE OF THE EVIDENCE. DOES THAT
19 SOUND FAMILIAR?

20 AND WE'LL TALK ABOUT THIS A LITTLE BIT
21 LATER ON, BUT IN DIFFERENT TYPES OF CASES, THERE
22 MAY BE DIFFERENT STANDARDS OF PROOF, AND ALSO THE
23 LAW MAY HAVE CHANGED SINCE WHENEVER YOU WERE A
24 LITIGANT.

25 SO I WANT TO MAKE SURE THAT BOTH

1 MR. HOGAN, AND MS. ROUGIERI, THAT YOU WOULD APPLY
2 THE LAW AS I INSTRUCT YOU AND NOT BASED ON YOUR
3 UNDERSTANDING OF THE LAW BASED ON YOUR OWN CASES.

4 IS THAT CORRECT, MR. HOGAN?

5 PROSPECTIVE JUROR: YES.

6 THE COURT: AND MS. ROUGIERI?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: OKAY. ANYONE ELSE IN THE
9 FIRST ROW?

10 PROSPECTIVE JUROR: YES, SMALL CLAIMS --

11 THE COURT: WOULD YOU PLEASE USE THE
12 MICROPHONE? THANK YOU.

13 PROSPECTIVE JUROR: SMALL CLAIMS COURT,
14 AND I THINK IT WAS AT THE END OF 2011.

15 THE COURT: WHAT WAS THE BASIS OF THE
16 CLAIM? WERE YOU A DEFENDANT OR A CLAIMANT?

17 PROSPECTIVE JUROR: I BROUGHT SOMEONE TO
18 COURT WHO OWED ME MONEY.

19 THE COURT: AND WHAT WAS THE -- HOW DID
20 THAT RESOLVE?

21 PROSPECTIVE JUROR: IT WAS IN MY FAVOR.

22 THE COURT: DID YOU REPRESENT YOURSELF?

23 PROSPECTIVE JUROR: YES.

24 THE COURT: ALL RIGHT. ANYTHING BASED ON
25 THAT EXPERIENCE THAT LEAVES YOU WITH A LASTING

1 IMPRESSION ABOUT THE JUSTICE SYSTEM, ABOUT THE
2 COURTS, ABOUT --

3 PROSPECTIVE JUROR: NO, NO.

4 THE COURT: -- THE JUDICIARY THAT WOULD
5 AFFECT YOUR ABILITY TO BE FAIR HERE?

6 PROSPECTIVE JUROR: NO, NO PROBLEM.

7 THE COURT: ALL RIGHT. THANK YOU.

8 ANYONE ELSE ON ROW 2?

9 ALL RIGHT. LET'S GO TO MS. FRIESEN.

10 PROSPECTIVE JUROR: THERE WAS A SMALL
11 CLAIMS COURT CASE IN REGARDS TO THE BUSINESS I HAD,
12 IT WAS AN ADVERTISING CASE, AND THE OTHER COMPANY
13 WON THE SUIT.

14 THE COURT: WERE YOU THE PLAINTIFF OR THE
15 DEFENDANT?

16 PROSPECTIVE JUROR: DEFENDANT.

17 THE COURT: AND THIS WAS WITH REGARD TO
18 YOUR FRANCHISE INSURANCE AGENCY?

19 PROSPECTIVE JUROR: CORRECT.

20 THE COURT: OKAY. WHEN WAS THIS LAWSUIT?

21 PROSPECTIVE JUROR: I THINK IT WAS 2008.

22 THE COURT: I THOUGHT YOUR BUSINESS ENDED
23 IN 2006.

24 PROSPECTIVE JUROR: CORRECT.

25 THE COURT: OH. THIS WAS AFTER THE

1 BUSINESS HAD ALREADY RESOLVED?

2 PROSPECTIVE JUROR: CORRECT.

3 THE COURT: OKAY. AND YOU REPRESENTED
4 YOURSELF; RIGHT?

5 PROSPECTIVE JUROR: YES.

6 THE COURT: OKAY. ANYTHING FROM THAT
7 EXPERIENCE THAT LEFT YOU WITH A, EITHER A BAD TASTE
8 IN YOUR MOUTH OR A GOOD TASTE IN YOUR MOUTH ABOUT
9 THE SYSTEM, ABOUT JUDGES, LAWYERS THAT WOULD AFFECT
10 YOUR ABILITY TO BE FAIR HERE?

11 PROSPECTIVE JUROR: NOT THAT I KNOW OF.

12 THE COURT: OKAY. ALL RIGHT. THANK YOU.

13 WHAT ABOUT ROW 3? ANYONE RAISE THEIR
14 HAND? NO?

15 THE RECORD SHOULD REFLECT NO HANDS HAVE
16 BEEN RAISED.

17 WHAT ABOUT ROW 4, ROW 5?

18 OH, I'M SORRY. MS. HOLLOWAY, DID YOU
19 HAVE YOUR HAND RAISED?

20 IF YOU COULD PASS THE MICROPHONE, PLEASE,
21 TO MS. HOLLOWAY.

22 PROSPECTIVE JUROR: WORK-RELATED LAWSUIT
23 BACK IN 1986.

24 THE COURT: AND WERE YOU THE PLAINTIFF OR
25 THE DEFENDANT?

1 PROSPECTIVE JUROR: DEFENDANT.

2 THE COURT: AND WHAT WAS THE CLAIM?

3 PROSPECTIVE JUROR: AT THE TIME I WAS
4 WORKING FOR INTEL, AND SO ONE OF MY STAFF MEMBERS
5 BROUGHT A LAWSUIT AGAINST INTEL. WE WENT AS FAR AS
6 A DEPOSITION AND THEN HE DROPPED THE CASE.

7 THE COURT: OKAY. WAS IT SOME TYPE OF
8 EMPLOYMENT CASE?

9 PROSPECTIVE JUROR: YES, IT WAS.

10 THE COURT: I SEE. SO WERE YOU ACTUALLY
11 DEPOSED?

12 PROSPECTIVE JUROR: I WAS THE MANAGER.

13 THE COURT: I SEE. BUT YOU WERE DEPOSED,
14 OR NOT? DID THEY TAKE YOUR DEPOSITION?

15 PROSPECTIVE JUROR: OH, ABSOLUTELY, YES.

16 THE COURT: I SEE. ALL RIGHT. AND YOU
17 SAID THAT CASE RESOLVED HOW? IT WAS --

18 PROSPECTIVE JUROR: HE DROPPED THE CASE.

19 THE COURT: HE DROPPED THE CASE. OKAY.

20 ANYTHING FROM YOUR EXPERIENCE IN THAT
21 CASE THAT WOULD AFFECT YOUR ABILITY TO BE FAIR AND
22 IMPARTIAL HERE?

23 PROSPECTIVE JUROR: NONE WHATSOEVER.

24 THE COURT: OKAY. ALL RIGHT. THANK YOU.

25 ANYONE ON ROWS -- I KNOW MR. SINA, YOU

1 RAISED YOUR HAND. GO AHEAD.

2 PROSPECTIVE JUROR: YES. BACK IN 1998, I
3 HAD A SURGERY. I DIDN'T HAVE INSURANCE. I WAS
4 PURSUED BY THE DOCTOR AND I WENT TO THE JUDGE AND
5 WE AGREED TO -- I AGREED TO PAY THE FEES IN
6 INSTALLMENTS. THAT'S ALL I HAVE.

7 THE COURT: WAS THAT IN SMALL CLAIMS
8 COURT?

9 PROSPECTIVE JUROR: I'M SORRY. AT THAT
10 TIME, MY ENGLISH WAS NOT VERY GOOD, SO --

11 THE COURT: ALL RIGHT. WAS THAT HERE IN
12 SANTA CLARA COUNTY?

13 PROSPECTIVE JUROR: NO, NO. IT WAS IN
14 INDIANA.

15 THE COURT: I SEE. AND IT WAS -- WERE
16 YOU REPRESENTING YOURSELF?

17 PROSPECTIVE JUROR: I BELIEVE SO.

18 THE COURT: OKAY. ANYTHING FROM THAT
19 EXPERIENCE THAT WOULD IMPACT YOUR ABILITY TO BE
20 FAIR AND IMPARTIAL IN ANY WAY?

21 PROSPECTIVE JUROR: I HOPE NOT.

22 THE COURT: NO?

23 PROSPECTIVE JUROR: NO.

24 THE COURT: OKAY. ALL RIGHT. THANK YOU.

25 ANYONE ON ROW 5? OR ROW 6? I'M SORRY.

1 OKAY. THE RECORD SHOULD REFLECT NO HANDS
2 HAVE BEEN RAISED.

3 OKAY. NOW, RAISE YOUR HAND, PLEASE, IF
4 YOU HAVE EVER APPLIED FOR A PATENT, A COPYRIGHT, A
5 TRADEMARK OR TRADE DRESS REGISTRATION.

6 ALL RIGHT. SO WE HAVE THREE HANDS
7 RAISED. IF YOU WOULD -- OH, FOUR. ALL RIGHT.

8 WELL, SINCE THE MICROPHONE IS DOWN THERE,
9 WHY DON'T YOU GO AHEAD PLEASE AND GIVE THAT TO
10 MR. CHIU.

11 PROSPECTIVE JUROR: I WORK FOR -- I WORK
12 FOR THE NATIONAL SEMICONDUCTOR BEFORE AND THEY WERE
13 ACQUIRED BY TEXAS INSTRUMENTS, AND I FILED PATENTS
14 FOR THE COMPANY.

15 THE COURT: OKAY. AND WERE YOU AN
16 INVENTOR ON THAT PATENT?

17 PROSPECTIVE JUROR: YES.

18 THE COURT: WAS A PATENT ISSUED?

19 PROSPECTIVE JUROR: YES.

20 THE COURT: AND WITHOUT SPECIFICS, WHAT
21 WAS THE GENERAL TECHNOLOGY?

22 PROSPECTIVE JUROR: IT IS THE INTEGRATED
23 CIRCUIT RELATED.

24 THE COURT: INTEGRATED CIRCUIT DESIGN?

25 PROSPECTIVE JUROR: YES.

1 THE COURT: OKAY. HOW LONG AGO WAS THAT?

2 PROSPECTIVE JUROR: I THINK FROM 3 TO 15
3 YEARS. I HAVE SEVERAL PATENTS.

4 THE COURT: YOU HAVE SEVERAL. AND WERE
5 THEY ALL WHILE YOU WERE EMPLOYED AT NATIONAL
6 SEMICONDUCTOR?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: AND ARE THEY ALL RELATED TO
9 INTEGRATED CIRCUIT DESIGN?

10 PROSPECTIVE JUROR: YES.

11 THE COURT: ALL RIGHT. AND -- OKAY. ALL
12 RIGHT. AND THEY WERE ROUGHLY 15 YEARS AGO?

13 PROSPECTIVE JUROR: YES, FROM 3 TO 15
14 YEARS.

15 THE COURT: 3 TO 15 YEARS. OKAY. SO
16 VERY RECENTLY.

17 DO YOU HAVE PATENT APPLICATIONS PENDING
18 NOW?

19 PROSPECTIVE JUROR: YES.

20 THE COURT: YOU DO. OKAY. ALL WITHIN
21 INTEGRATED CIRCUIT DESIGN --

22 PROSPECTIVE JUROR: YES.

23 THE COURT: -- FIELD?

24 PROSPECTIVE JUROR: RIGHT.

25 THE COURT: OKAY. ALL RIGHT. WOULD THAT

1 IN ANY WAY -- YOU'LL BE INSTRUCTED ON WHAT THE LAW
2 IS AND WOULD YOU BE ABLE TO FOLLOW THE INSTRUCTIONS
3 I GIVE YOU ON THE LAW, EVEN IF IT MAY NOT
4 COMPLETELY CORRESPOND TO WHAT YOU MAY KNOW ABOUT
5 THE PATENT SYSTEM OR THE INTELLECTUAL PROPERTY
6 LAWS?

7 PROSPECTIVE JUROR: YES, I FOLLOW YOUR
8 INSTRUCTIONS.

9 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10 LET'S GO, I THINK, TO MS. HALIM,
11 MR. OKAMOTO, AND MR. HOGAN. YOU RAISED YOUR HANDS.

12 OKAY. LET'S PLEASE START WITH MS. HALIM.

13 PROSPECTIVE JUROR: OKAY. I HAVE TWO
14 PATENTS. ONE IS ISSUED WHEN I WAS AT WEITEK, ALSO
15 I.C. DESIGN.

16 ANOTHER ONE WAS AT SILICON GRAPHICS.

17 THE COURT: AND IT WAS ALSO ON I.C.

18 DESIGN?

19 PROSPECTIVE JUROR: YES, RIGHT.

20 THE COURT: OKAY. WERE PATENTS ISSUED?

21 PROSPECTIVE JUROR: YES.

22 THE COURT: AND YOU WERE THE INVENTOR ON
23 BOTH?

24 PROSPECTIVE JUROR: YES.

25 THE COURT: OKAY. ALL RIGHT. ANYTHING

1 ABOUT PREVIOUSLY? WHAT WERE HIS EMPLOYERS?

2 PROSPECTIVE JUROR: CISCO SYSTEMS.

3 THE COURT: I SEE. OKAY. AND ARE ANY OF
4 YOUR CHILDREN CURRENTLY WORKING? ARE THEY
5 STUDENTS?

6 PROSPECTIVE JUROR: THEY ARE STUDENT.
7 ONE IS WORKING ON INTERNSHIP AT FACEBOOK.

8 THE COURT: OKAY.

9 PROSPECTIVE JUROR: YEAH.

10 THE COURT: AND THE OTHERS ARE STUDENTS?

11 PROSPECTIVE JUROR: YES.

12 THE COURT: OKAY. THANK YOU.

13 PROSPECTIVE JUROR: THANK YOU.

14 THE COURT: WOULD YOU PLEASE PASS THE
15 MICROPHONE TO MR. OKAMOTO PLEASE?

16 PROSPECTIVE JUROR: MY NAME IS STEVE
17 OKAMOTO. I WAS BORN IN LAGUNA BEACH, CALIFORNIA.
18 I CURRENTLY RESIDE IN SAN JOSE.

19 I HAVE A MASTER'S DEGREE IN INDUSTRIAL
20 PSYCHOLOGY FROM CAL STATE LONG BEACH. UNDERGRAD AT
21 U.C. IRVINE IN PSYCHOLOGY.

22 CURRENT JOB TITLE, I'M A DESIGNER FOR
23 GOOGLE. RESPONSIBILITIES INCLUDE DESIGNING
24 INTERFACES -- RESPONSIBILITIES INCLUDE DESIGNING
25 THE USER INTERFACE, RUNNING TESTS ON THOSE, AND

1 ITERATIONS, WORKING WITH ENGINEERING TO GET THOSE
2 CODED.

3 PREVIOUS JOBS, I'VE BEEN AT EBAY, I'VE
4 BEEN AT IBM, I'VE BEEN AT CADENCE DESIGN SYSTEMS
5 AND PROPEL, WHICH WAS A START-UP.

6 FAVORITE HOBBY, I KIND OF LIKE GADGETS,
7 ELECTRONICS.

8 WE HAVE TWO KIDS, SO I LIKE TO DO A LOT
9 OF SPORTS WITH THE KIDS, SO SPORTS.

10 I'M CURRENTLY MARRIED. MY WIFE WORKS FOR
11 THE COUNTY AS A COURT OFFICER. SHE'S BEEN DOING
12 THAT FOR SEVERAL YEARS NOW.

13 PRIOR TO THAT, THAT WOULD BE IN '98 SHE
14 BECAME A COURT OFFICER, OR SHE WORKED FOR THE
15 COUNTY. PRIOR TO THAT, SHE WAS DOING CANCER
16 RESEARCH.

17 MY CHILDREN, I HAVE A SON WHO'S 8 AND MY
18 DAUGHTER IS 11, AND THEY'RE BOTH GOING TO SCHOOL.

19 AND I HAVE HAD NO PRIOR JURY EXPERIENCE.

20 THE COURT: THANK YOU. CAN YOU TELL ME A
21 LITTLE BIT MORE WHAT YOUR WIFE DOES FOR THE COURT?

22 PROSPECTIVE JUROR: SO SHE WAS A
23 PROBATION OFFICER.

24 THE COURT: UM-HUM.

25 PROSPECTIVE JUROR: AND NOW SHE'S A COURT

1 OFFICER, SO I GUESS SHE JUST REPRESENTS THE COUNTY
2 IN COURT.

3 THE COURT: AS A PROBATION OFFICER?

4 PROSPECTIVE JUROR: YEAH. WELL, I GUESS
5 SHE'S A COURT OFFICER, BUT SHE REPRESENTS THE
6 PROBATION DEPARTMENT.

7 THE COURT: RIGHT. OKAY. AND THAT'S FOR
8 SANTA CLARA COUNTY?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: OKAY. ALL RIGHT. THANK YOU.
11 MR. HOGAN?

12 PROSPECTIVE JUROR: MY NAME -- EXCUSE ME,
13 MY NAME IS VELVIN HOGAN. I WAS BORN IN GREENVILLE,
14 TEXAS. I RESIDE IN SAN JOSE, CALIFORNIA.

15 I HAVE AN A.A. DEGREE FROM SAN JOSE CITY
16 COLLEGE AND I ATTENDED SAN JOSE STATE IN THE
17 ELECTRICAL ENGINEERING DEPARTMENT, THOUGH I DID NOT
18 GRADUATE.

19 I HAVE BEEN IN -- I WAS IN THE HARD DRIVE
20 INDUSTRY FOR 35-PLUS YEARS AS AN ELECTRICAL
21 ENGINEER. I WORKED FOR COMPANIES LIKE MEMOREX,
22 DIGITAL EQUIPMENT CORPORATION TO NAME A FEW, SEVEN
23 ALTOGETHER.

24 AND MY HOBBIES ARE WHAT I WAS DOING IN
25 THE REALM OF VIDEO COMPRESSION.

1 AND I AM MARRIED.

2 AND MY -- I HAVE TWO CHILDREN, A SON 43
3 AND A DAUGHTER 42.

4 MY DAUGHTER WORKS FOR THE COUNTY AND MY
5 SON WORKS IN PRIVATE INDUSTRY.

6 AND I HAVE BEEN A JUROR IN THE PAST ON
7 THREE DIFFERENT OCCASIONS, BUT THEY WERE ALL THREE
8 CIVIL CASES.

9 THE COURT: CAN YOU TELL US -- LET ME
10 BACK UP A SECOND. WHAT ABOUT YOUR SPOUSE? WHAT
11 DOES SHE DO OR DID SHE WORK OUTSIDE THE HOUSE?

12 PROSPECTIVE JUROR: SHE'S RETIRED
13 CURRENTLY, BUT BEFORE SHE RETIRED, SHE WORKED FOR
14 THE SAN JOSE UNIFIED SCHOOL DISTRICT. SHE WAS A
15 SPECIAL EDUCATION -- NOT A CREDENTIALLED TEACHER,
16 BUT A CERTIFIED ASSISTANT.

17 THE COURT: ALL RIGHT. AND CAN YOU TELL
18 US THE SEVEN COMPANIES YOU WORKED FOR? DIGITAL
19 EQUIPMENT, MEMOREX?

20 PROSPECTIVE JUROR: OKAY. TO BEGIN WITH,
21 I WORKED FOR A COMPANY THAT NO LONGER EXISTS CALLED
22 CAYLIS MEMORIES; THEN MEMOREX CORPORATION; THEN
23 STORAGE TECHNOLOGY CORPORATION IN COLORADO; DIGITAL
24 EQUIPMENT CORPORATION IN COLORADO SPRINGS; I WORKED
25 FOR SEAGATE TECHNOLOGY; AND THE LAST COMPANY WAS --

1 AND THEN MICROPOLIS CORPORATION, WHICH NO LONGER
2 EXISTS; AND QUANTUM.

3 THE COURT: ALL RIGHT. AND YOUR DAUGHTER
4 THAT WORKS FOR THE COUNTY, IS THAT IN ANY WAY FOR
5 THE COURT SYSTEM?

6 PROSPECTIVE JUROR: NO, NO. SHE IS A --
7 A DIRECTOR'S ASSISTANT. SHE WAS DOING WORK PRIOR
8 TO THE CENSUS FOR THE CENSUS, PUTTING EVERYTHING
9 TOGETHER TO GET THAT GOING.

10 AND CURRENTLY I'M NOT 100 PERCENT SURE
11 WHAT SHE'S DOING. SHE JUST RECENTLY TRANSFERRED TO
12 A NEW POSITION.

13 THE COURT: OKAY. AND YOUR SON WHO'S IN
14 PRIVATE INDUSTRY, IS THAT IN ANY WAY RELATED CELL
15 PHONES, COMPUTERS, TABLETS, NOTHING IN THE TECH
16 INDUSTRY?

17 PROSPECTIVE JUROR: NO. IT'S IN OPTICS,
18 BASICALLY, FIBER OPTICS.

19 THE COURT: ALL RIGHT. THANK YOU.

20 MR. BELLA?

21 PROSPECTIVE JUROR: MY NAME IS TERRY
22 BELLA. MY BIRTH PLACE IS PALO ALTO AND I'M A
23 RESIDENT OF MOUNTAIN VIEW.

24 MY EDUCATION BACKGROUND, A.A. DEGREE IN
25 AUTOMATIC TECHNOLOGY AND AN A.A. AGREE IN

1 ELECTRONICS, TECHNICIAN, COLLEGE OF SAN MATEO.

2 PAST JOBS, I WAS PART OWNER IN
3 COMMUNICATIONS RESEARCH FOR MANY YEARS, A TWO-WAY
4 RADIO COMPANY. AND I CURRENTLY WORK AT STANFORD
5 POLICE DEPARTMENT AS LOGISTICS.

6 HOBBIES, I LIKE TO DO REMODELS ON MY
7 HOUSE AND CAMPING AND WORK ON CARS AS HOBBIES.

8 I'M CURRENTLY MARRIED, 41 YEARS NEXT
9 WEEK.

10 THE COURT: CONGRATULATIONS.

11 PROSPECTIVE JUROR: THANK YOU.

12 AND MY WIFE WORKS CURRENTLY WITH TRADER
13 JOE'S IN PALO ALTO, AND DURING THE SCHOOL TIME
14 SHE'S AN ART TEACHER AT SPRINGER SCHOOL IN
15 LOS ALTOS.

16 I HAVE A SON WHO'S 25. HE'S MARRIED AND
17 THEY JUST MOVED BACK FROM MARYLAND AND THEY'RE
18 LIVING WITH US NOW UNTIL THEY CAN FIND A JOB, BOTH
19 OF THEM CAN FIND A JOB.

20 PAST JURY, I REMEMBER TWO JURY SERVICES I
21 DID. BOTH WERE GUILTY.

22 ONE HAD TO DO WITH DRUGS AND I DON'T
23 REMEMBER WHAT THE OTHER ONE WAS.

24 THE COURT: ALL RIGHT. BUT THEY WERE
25 BOTH CRIMINAL?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: AND WERE THEY IN THIS COUNTY?

3 PROSPECTIVE JUROR: YES.

4 THE COURT: AND WERE THEY STATE COURT OR
5 FEDERAL COURT, IF YOU REMEMBER?

6 PROSPECTIVE JUROR: I DON'T KNOW.

7 THE COURT: THAT'S FINE. HOW LONG AGO
8 WERE THESE?

9 PROSPECTIVE JUROR: OH, JEEZ. PROBABLY
10 20-SOME YEARS AGO.

11 THE COURT: 20-SOME ODD YEARS AGO. OKAY.

12 AND YOU UNDERSTAND THAT THE STANDARD IN A
13 CRIMINAL CASE IS BEYOND A REASONABLE DOUBT, WHICH
14 IS HIGHER THAN THE STANDARDS THAT WOULD APPLY IN
15 THIS CASE?

16 PROSPECTIVE JUROR: YES.

17 THE COURT: ALL RIGHT. I FORGOT TO ASK
18 MR. HOGAN, THE THREE CIVIL LAWSUITS FOR WHICH YOU
19 WERE A JUROR, DO YOU REMEMBER WHAT THE CAUSES OF
20 ACTION WERE?

21 PROSPECTIVE JUROR: ONE OF THEM WAS AN
22 ACCIDENT THAT OCCURRED THAT WAS BACK IN 1973 AND
23 WE, THE JURY, DID NOT RULE IN FAVOR OF THE
24 DEFENDANT IN THAT CASE.

25 THE COURT: OH. AND I'M NOT ASKING

1 ANYONE TO REVEAL THE VERDICT. I JUST WANT TO KNOW
2 WHETHER YOU REACHED A VERDICT.

3 PERSONAL INJURY, CAR ACCIDENT?

4 PROSPECTIVE JUROR: ALL THREE WE REACHED
5 A VERDICT. THAT ONE WAS PERSONAL INJURY.

6 THE COURT: OKAY.

7 PROSPECTIVE JUROR: THE NEXT ONE WAS
8 SPOUSAL ABUSE, BUT NOT CRIMINAL, SO IT WAS DONE IN
9 SUPERIOR COURT.

10 THE COURT: OKAY.

11 PROSPECTIVE JUROR: THE OTHER ONE WAS A
12 LITTLE BIT OLDER AND RIGHT NOW I CAN'T REMEMBER THE
13 DETAILS. I REMEMBER WE REACHED A VERDICT.

14 THE COURT: DO YOU REMEMBER ROUGHLY, WHAT
15 WAS THE ONE TWO DECADES AGO?

16 PROSPECTIVE JUROR: WELL, ONE WAS IN '73;
17 ONE WAS IN THE MID '80S, '87, I THINK IT WAS; AND
18 THE OTHER ONE THAT WAS MORE RECENT WAS 1990.

19 THE COURT: SO YOU'RE DUE FOR ANOTHER
20 ONE.

21 PROSPECTIVE JUROR: YEAH.

22 THE COURT: OKAY. ALL RIGHT. OKAY.
23 THANK YOU.

24 LET'S GO TO MS. ROUGIERI.

25 PROSPECTIVE JUROR: MY NAME IS LUZVIMINDA

1 ROUGIERI. MY PLACE OF BIRTH IS PHILIPPINES, BUT I
2 GREW UP IN THE UNITED STATES. CITY OF RESIDENCE,
3 EVERGREEN IN SAN JOSE.

4 EDUCATIONAL BACKGROUND, I HAVE A
5 BACHELOR'S DEGREE IN FOREIGN LANGUAGE.

6 PAST AND CURRENT JOB, I HAVE NOT WORKED
7 FOR 23 YEARS. I'VE BEEN RAISING OUR SON.

8 I WORKED AT NATIONAL SEMICONDUCTOR AND
9 THAT WAS WHEN WE WERE LIVING IN -- I MOVED TO
10 MASSACHUSETTS AND CHANGED CAREER AND GET INTO
11 RETAIL.

12 FAVORITE HOBBY WOULD BE PAINTING,
13 COOKING, AND GARDENING.

14 I AM CURRENTLY MARRIED. IT'LL BE 25
15 YEARS BY NEXT MONTH.

16 THE COURT: CONGRATULATIONS.

17 PROSPECTIVE JUROR: CURRENT JOB, MY
18 HUSBAND, HE WORKED FOR APPLIED MATERIALS. HE
19 WORKED FOR K.L.A. HE WORKED FOR HARRIS, ETON, AND
20 NOW HE WORKS FOR A MEDICAL START-UP COMPANY WORKING
21 WITH -- TEAM UP WITH LAWRENCE LIVERMORE.

22 WE HAVE ONE CHILD WHO IS NOW IN COLLEGE,
23 A 21 YEAR OLD.

24 PRIOR JURY SERVICE, THIS IS THE FIRST
25 TIME, SO I'M OVERWHELMED AND A JURY, IT'S -- THIS

1 IS THE FIRST TIME.

2 THE COURT: OKAY. THANK YOU.

3 LET ME ASK, WITH YOUR RETAIL NOW, IS THAT
4 IN ANY WAY RELATED TO PHONES, TABLETS, COMPUTERS?

5 PROSPECTIVE JUROR: NO, IT HAD NOTHING TO
6 DO WITH THAT.

7 THE COURT: OKAY. ALL RIGHT. THANK YOU.
8 MS. FLAVIN?

9 PROSPECTIVE JUROR: MY NAME IS NICOLE
10 FLAVIN.

11 THE COURT: FLAVIN, EXCUSE ME.

12 PROSPECTIVE JUROR: IT'S ALL RIGHT.
13 PLACE OF BIRTH, LOS GATOS, CALIFORNIA. I CURRENTLY
14 LIVE IN SUNNYVALE.

15 EDUCATIONAL BACKGROUND, SOME COLLEGE.

16 I CURRENTLY WORK AT UPS. I'M A
17 SUPERVISOR. I'M RESPONSIBLE FOR PACKAGE PLANNING
18 AND DISPATCH.

19 I'M NOT MARRIED. I DON'T HAVE ANY
20 CHILDREN. AND I'VE NEVER SERVED ON A JURY BEFORE.

21 THE COURT: OKAY. THANK YOU.

22 MS. LEROSE, IF YOU WOULD PLEASE PASS THE
23 MICROPHONE OVER. THANK YOU.

24 PROSPECTIVE JUROR: MY NAME IS LYNN
25 LEROSE. PLACE OF BIRTH IS EASTON, PENNSYLVANIA. I

1 RESIDE IN RIO DEL MAR IN SANTA CRUZ COUNTY.

2 I HAVE MY MASTER'S IN EARLY CHILDHOOD
3 EDUCATION AND SPEECH PATHOLOGY -- MY MASTER'S IS
4 NOT IN SPEECH PATHOLOGY. IT'S A B.S. IN SPEECH
5 PATHOLOGY.

6 I'VE OWNED MY OWN BUSINESS, A NATIONALLY
7 ACCREDITED PRESCHOOL FOR 20 YEARS, CLOSED, WHICH I
8 HAVE ALREADY DISCLOSED, IN 2005.

9 AND PREVIOUS TO THAT, THEY WERE JUST
10 PART-TIME JOBS TO GET ME THROUGH SCHOOL TO GET TO
11 WHERE I WAS GOING, AND I CAN'T REMEMBER THOSE
12 LITTLE JOBS, BUT I HAVE BEEN GRATEFUL FOR THEM.

13 FAVORITE HOBBIES, I LOVE READING AND
14 GARDENING AND PLANTING MY -- THE RECREATIONAL
15 ACTIVITIES, PLANTING MY FEET ON ANY BEACH THAT I
16 CAN WALK ON FOR AT LEAST A COUPLE OF HOURS.

17 I AM MARRIED. MY PARTNER'S CURRENT
18 OCCUPATION IS IN INFORMATION TECHNOLOGY WITH
19 SANTA CLARA MEDICAL.

20 MY CHILDREN, I HAVE TWO, A 29 YEAR OLD
21 AND A 34 YEAR OLD. ONE IS IN RETAIL, COMPUTERS,
22 AND MY OTHER ONE OWNS HIS OWN CONSTRUCTION
23 BUSINESS.

24 AND NO, NO PRIOR SERVICE.

25 THE COURT: ALL RIGHT. THANK YOU.

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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, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: JULY 30, 2012