

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FUNCTION MEDIA LLC

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§

§

v.

§

CIVIL ACTION NO. 2:07cv279 CE

§

GOOGLE, INC.

§

Jury Trial Day One - Minutes
January 19, 2010

OPEN: 8:31 a.m.

ADJOURN: 5:05 p.m.

ATTORNEYS FOR PLAINTIFF:

Max Tribble
Joe Grinstein
Robert Parker
Justin Nelson

ATTORNEYS FOR DEFENDANTS:

Charles Verhoeven
Edward DeFranco
Amy Candido
Gil Gillam

LAW CLERK:

Jim Warriner

COURT REPORTER:

Shelly Holmes, CSR

COURTROOM DEPUTY:

Jan Lockhart, PLS, CP

8:31 a.m. Court opened. The Court gave the jury preliminary instructions regarding the schedule for the trial.

The parties announced ready for hearing.

8:42 a.m. The Court gave additional instructions to the jury regarding the claims of the parties.

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8:56 a.m. Thomas Rhyne, Lucidna Stone and Michael Dean sworn. Experts and Plaintiffs allowed to remain in Courtroom.

8:58 a.m. Mr. Tribble conducted opening statement on behalf of Plaintiff.

9:35 a.m. Mr. Charles Verhoeven presented opening statement on behalf of defendant.

10:13 a.m. Morning recess until 10:35 a.m. Jury left the Courtroom

10:15 a.m. Court gave attorneys instruction.

10:35 a.m. Back on the record. Bench bench conference.

10:37 a.m. Mr. Nelson called Mr. Dean to testify. Mr. Dean was previously sworn and examined under oath.

10:38 a.m. Bench conference.

10:39 a.m. Mr. Nelson continued direct examination of Mr. Dean.

11:51 a.m. Mr. Verhoeven conducted cross examination of Mr. Dean.

12:01 p.m. Jury excused for lunch recess.

1:22 p.m. Jury back in courtroom.

1:23 p.m. Court reconvened. Mr. Verhoeven continued cross examination of Mr. Dean.

1:30 p.m. Mr. Verhoeven presented a video deposition clip of Mr. Dean.

1:30 p.m. Mr. Nelson addressed the Court regarding a completeness proffer.

1:31 p.m. Mr. Verhoeven continued his examination of Mr. Dean.

1:36 p.m. Mr. Verhoeven presented a video deposition excerpt of Mr. Dean.

1:37 p.m. Mr. Nelson requested additional cites for optional completeness. The Court responded.

1:39 p.m. Bench conference.

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1:40 p.m. Mr. Verhoeven continued his examination of Mr. Dean.

1:45 p.m. The Court gave Mr. Verhoeven instruction re the witness question.

1:51 p.m. Bench conference.

1:52 p.m. Mr. Verhoeven continued examination of Mr. Dean.

2:11 p.m. Re-direct examination of Mr. Dean by Mr. Nelson.

2:29 p.m. Bench conference.

2:30 p.m. The parties passed the witness.

2:31 p.m. Mr. Tribble presented witness Brian Axe by video deposition.

3:03 p.m. Brian Axe deposition concluded.

3:06 p.m. Mr. Tribble presented witness Angela Lai by video deposition. This proffer included both parties deposition designations.

3:10 p.m. The Court excused the jury for its afternoon break.

Attorneys remained in Courtroom for brief Court conference.

3:12 p.m. Court recess.

3:31 p.m. Jury returned to the courtroom. Court reconvened.

Mr. Grinstein called Dr. Vernon Thomas Rhyne to testify. Dr. Rhyne was previously sworn.

3:50 p.m. Bench conference. Mr. Grinstein continued his examination of Dr. Rhyne.

4:31 p.m. Bench conference.

4:33 p.m. Mr. Grinstein continued his examination of Dr. Rhyne.

5:03 p.m. The jury was excused from the courtroom for the evening recess.

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The Court held a conference on various issues.

5:05 p.m. Court adjourned.