

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., ET AL

Jury Trial Day Two - Minutes
January 20, 2010

OPEN: 8:30 a.m.

ADJOURN: 5:00 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

8:30 a.m. Court opened.

The Court gave the jury instruction with respect to an objection made by Defense counsel regarding Dr. Rhyne.

Mr. Grinstein continued his examination of Dr. Rhyne.
Deposition portions of Mr. Miller and Mr. Holden were used.

9:34 a.m. The Court sealed the courtroom. Audience asked to leave the courtroom.

9:36 a.m. Dr. Rhyne's testimony continued after audience left the courtroom.

9:40 a.m. Plaintiff's counsel indicated that the audience should be allowed to return to the courtroom

9:41 a.m. Audience returned to courtroom. Dr. Rhyne's direct examination continued. Holden and Miller video deposition testimony portions shown.

10:10 a.m. - Morning recess. Jury to be back in courtroom at 10:30 a.m.

10:34 a.m. Back on the record. Mr. Grinstein continued his direct examination of Dr. Rhyne. Curtiss video deposition clips shown.

10:56 a.m. Mr. Grinstein passed witness. Mr. Verhoeven conducted cross examination of Dr. Rhyne.

11:37 a.m. The Court gave the jury an instruction regarding Claim terms.

Mr. Verhoeven continued his examination of Dr. Rhyne.

11:45 a.m. Mr. Grinstein conducted re-direct examination of Dr. Rhyne.

11:56 a.m. Mr. Verhoeven conducted re-cross examination of Dr. Rhyne.

12:03 p.m. The parties passed the witness. Jury excused for lunch.

12:04 p.m. Court held bench conference.

12:07 p.m. Court adjourned until 1:20 p.m.

1:28 p.m. Jury returned to courtroom

1:29 p.m. Mr. Tribble requested a bench conference.

1:31 p.m. The Court sealed the courtroom; the audience left the courtroom.

Mr. Tribble called Thomas Wesley Hutchison to testify.

1:41 p.m. Audience returned to courtroom. Mr. Parker called Lucinda Stone to testify. Ms. Stone was previously sworn.

2:00 p.m. Ms. Candido conducted cross examination of Ms. Stone. Portions of Ms. Stone's deposition testimony were used.

2:28 p.m. Mr. Parker conducted re-direct examination of Ms. Stone.

2:33 p.m. Ms. Candido conducted re-cross examination of Ms. Stone.

2:34 p.m. Mr. Tribble presented deposition testimony of Ms. Bravomalo.

2:38 p.m. Mr. Tribble presented deposition testimony of Amin Zoufonoun.

2:40 p.m. Bench conference.

2:42 p.m. The video deposition testimony of Mr. Zoufonoun continued.

2:44 p.m. Bench conference. Mr. Nelson called Walt Bratic to testify.

2:48 p.m. Mr. Bratic was sworn and examined under oath.

2:56 p.m. Mr. Bratic was qualified as an expert. Mr. Verhoeven stated there were no objections from the Defendant.

3:06 p.m. Bench conference.

3:08 p.m. Mr. Nelson presented portions of the video deposition testimony of Johnny Chen.

3:10 p.m. Mr. Nelson continued direct examination of Mr. Bratic. The jury was excused for the afternoon break.

3:16 p.m. Mr. Tribble gave the amount of time used for the video deposition clips presented during the testimony of Mr. Bratic and Dr. Rhyne.

3:18 p.m. Court break until 3:35 p.m.

3:37 p.m. Jury back in courtroom. Bench conference held.

3:39 p.m. Mr. Nelson continued direct examination of Mr. Bratic.

3:45 p.m. Bench conference held.

3:46 p.m. Nelson continued his direct examination of Mr. Bratic. Video deposition clips of Johnny Chen and Amin Zoufonoun were used.

Bench conference.

4:06 p.m. Mr. Nelson continued his examination of Mr. Bratic. Mr. Nelson requested that the courtroom be sealed. The audience was excused.

4:07 p.m. Mr. Nelson conducted further examination of Mr. Bratic

4:24 p.m. Video deposition testimony clip of Mr. Zoufonoun shown.

4:25 p.m. Mr. Nelson continued his examination of Mr. Bratic

4:40 p.m. Bench conference held.

4:41 p.m. Courtroom sealed. Audience required to leave courtroom.

4:42 p.m. Mr. Nelson continued his examination of Dr. Bratic.

4:46 p.m. The audience returned to the courtroom.

4:58 p.m. Court excused jury for day.

5:00 p.m. Court adjourned.