

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 Three - Minutes
January 21, 2010

OPEN: 8:34 a.m.

ADJOURN: 5:13 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

8:34 a.m. Jury in courtroom. Court opened. Mr. Nelson continued his direct examination of Mr. Bratic.

8:42 a.m. Bench conference.

8:43 a.m. The audience was excused from the courtroom for confidential portion of trial.

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8:47 a.m. Bench conference.

8:50 a.m. Mr. Nelson continued his examination of Mr. Bratic

9:15 a.m. Bench conference.

9:16 a.m. Mr. Nelson continued his direct examination of Mr. Bratic.

9:25 a.m. Bench conference.

9:27 a.m. Mr. Nelson continued his examination of Mr. Bratic.

9:28 a.m. Passed the witness. Court gave instruction to jury and audience.

9:30 a.m. Mr. Verhoeven conducted cross examination of Mr Bratic

9:37 a.m. Bench conference.

9:38 a.m. Mr. Verhoeven continued cross examination of Mr. Bratic.

9:54 a.m. Bench conference. Mr. Verhoeven continued cross examination of Mr. Bratic.

10:11 a.m. Morning recess until 10:30 a.m. Jury left courtroom.

10:12 a.m. Morning Recess.

10:33 a.m. Jury back in courtroom

Court resumed. Mr. Verhoeven continued his cross examination of Mr. Bratic.

10:56 a.m. Audience asked to leave courtroom. Courtroom sealed.

Mr. Verhoeven continued his cross examination of Mr. Bratic.

10:59 a.m. Unidentified gentleman walked into courtroom. Court asked gentleman to leave due to confidential nature of testimony.

11:00 am Mr. Verhoeven continued cross examination of Mr. Bratic.

11:12 a.m. Bench conference.

11:13 a.m. Mr. Verhoeven continued cross examination of Mr. Bratic

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11:20 a.m. Bench conference.

11:21 a.m. Mr. Verhoeven continued cross examination of Mr. Bratic.

Audience returned to courtroom at 11:25 a.m.

Mr. Verhoeven continued cross examination of Mr. Bratic

11:43 a.m. Re-direct examination by Mr. Nelson of Mr. Bratic.

11:51 a.m. Bench conference.

Mr. Nelson continued his re-direct examination of Mr. Bratic.

12:01 p.m. Lunch recess. Jury to be back at 1:15 p.m.

1:17 p.m. Court opened. Mr. Nelson continued his re-direct examination of Mr. Bratic.

1:21 p.m. Susan Wojcicki deposition excerpt used.

1:24 p.m. Bench conference.

1:27 p.m. The Court asked the audience to leave the courtroom for confidential testimony. Courtroom was sealed.

1:33 p.m. Closed portion of testimony concluded. Audience allowed to return to the courtroom.

1:37 p.m. Mr. Verhoeven conducted re-cross examination of Mr. Bratic.

1:42 p.m. The Court asked the audience to leave the courtroom for confidential testimony. Courtroom was sealed.

1:42 p.m. Mr. Verhoeven continued his cross examination of Mr. Bratic.

1:44 p.m. Mr. Nelson conducted re-direct examination of Mr. Bratic.

1:45 p.m. Mr. Tribble indicated that the Plaintiff rests.

1:47 p.m. Bench conference.

1:48 p.m. The audience returned to the courtroom. Mr. DeFranco called Susan Wojcicki to testify. Ms. Wojcicki. was sworn and examined under oath.

2:30 p.m. The Court asked the audience to leave the courtroom for confidential testimony. The courtroom was sealed. Mr. DeFranco continued his direct examination of Ms. Wojcicki.

2:48 p.m. Mr. De Franco concluded his examination of Ms. Wojcicki.. Mr. Tribble conducted Cross Examination of Ms. Wojcicki.

2:49 p.m. Bench conference.

2:50 p.m. Mr. Tribble continued his cross examination of Ms. Wojcicki.

3:13 p.m. Afternoon recess until 3:35 p.m. Jury left the courtroom.

3:38 p.m Jury back in courtroom. The Court asked the audience to leave the courtroom for confidential testimony. The courtroom was sealed.

3:40 p.m. Mr. Tribble continued his cross examination of Ms. Wojcicki.

3:55 p.m. Bench conference.

3:57 p.m. Mr. Tribble continued with his examination of Ms. Wojcicki.

3:59 p.m. Mr. DeFranco conducted re-direct examination of Ms. Wojcicki.

4:14 p.m. Audience returned to courtroom.

4:17 p.m. Mr. Tribble Conducted re-cross examination of Ms. Wojcicki.

The Court asked the audience to leave the courtroom for confidential testimony. The courtroom was sealed.

4:18 p.m. Mr. Tribble continued his examination of Ms. Wojcicki..

4:23 p.m. Mr. DeFranco conducted re-direct examination

4:24 p.m. Mr. Tribble conducted re-cross examination of Ms. Wojcicki.

4:25 p.m. Mr. DeFranco conducted re-direct examination of Ms. Wojcicki.

4:26 p.m. Mr. DeFranco called Jeffrey Dean to testify. Mr. Dean was sworn and examined under oath.

5:10 p.m. Jury excused until 8:30 a.m.

5:11 p.m. Mr. DeFranco inquired as to the Court's procedure on judgments as a matter of law.

The Court responded. Mr. Tribble responded.

5:13 p.m. Court adjourned.