

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 Six - Minutes
January 26, 2010

OPEN: 8:00 a.m.

ADJOURN: 4:50 p.m.

ATTORNEYS FOR PLAINTIFF:

Max Tribble
Joe Grinstein
Robert Parker
Justin Nelson
Jeremy Brandon

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

8:00 a.m. Court opened. Mr. Grinstein called Dr. Rhyne to testify for rebuttal. Dr. Rhyne was previously sworn.

8:04 a.m. Bench conference.

8:05 a.m. Mr. Grinstein continued his examination of Dr. Rhyne.

8:33 a.m. Bench conference.

8:34 a.m. Mr. Grinstein continued his examination of Dr. Rhyne.

8:48 a.m. Bench conference.

8:50 a.m. Mr. Grinstein continued his examination of Dr. Rhyne.

8:51 a.m. Bench conference.

8:52 a.m. Mr. Grinstein continued his examination of Dr. Rhyne.

8:56 a.m. Mr. Grinstein passed the witness. Cross examination of Dr. Rhyne by Mr. Verhoeven.

9:00 a.m. Mr. Verhoeven passed the witness.

9:00 a.m. Bench conference.

9:04 a.m. Plaintiff rests.

9:05 a.m. Sur-rebuttal – Mr. Verhoeven called Mr. Lanning to testify. Mr. Lanning was previously sworn.

9:21 a.m. Mr. Grinstein conducted cross examination of Mr. Lanning.

9:25 a.m. The parties passed the witness. The Court excused the jury until 10:00 a.m.

9:27 a.m. Jury left courtroom. The parties made formal objections to the court's charge. The parties handed proposed additional instructions to the Court. The Court ruled on the proposals and objections.

9:38 a.m. The Court clerk filed the proposed instructions.

10:08 p.m. Court reconvened. Mr. Tribble conducted closing argument on behalf of Plaintiff.

10:40 a.m. Mr. Verhoeven presented closing argument on behalf of Defendant.

11:16 a.m. Mr. Tribble presented rebuttal closing argument.

11:31 a.m. The Court read the instructions to the jury.

12:17 p.m. Jury excused. No objections by counsel to the charge as read.

12:19 p.m. Court in recess pending a verdict.

12:43 p.m. Jury Note No. 1 received re foreperson of jury.

2:30 p.m. Jury Note No. 2 received re requesting court's charge and demonstrative used during closing arguments.

2:40 p.m. Court opened. Demonstrative shown to jury in courtroom. Counsel for both parties present.

2:45 p.m. Court adjourned.

4:42 p.m. Jury Note No. 3 received. Jury notified Court that verdict had been reached.

4:45 p.m. Court opened. Jury and counsel for parties present. The foreperson indicated that a verdict had been reached. The foreperson handed the courtroom security officer the verdict. The Court read the verdict. The Court instructed the jurors to stand if they agreed with the verdict. It was noted that all jurors stood. The Court gave its final instruction and released the jury.

4:50 p.m. Court adjourned.