

Exhibit 3

Capital Reporting Company
Hearing 01-07-2010

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

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PA ADVISORS, LLC, :
 :
 : Plaintiff :
 : :
 vs. : C.A. No. :
 : 2:07-cv-480-DF :
GOOGLE, INC., et al., :
 :
 : Defendants :
-----x

Washington, D.C.

Thursday, January 7, 2010

PRETRIAL CONFERENCE BEFORE:

HONORABLE RANDALL R. RADER

at U.S. Court of Appeals Federal Circuit,

717 Madison Place, N.W, before Monica A. Voorhees,

of Capital Reporting, RPR/CSR, a Notary

Public in and for the District of Columbia,

beginning at 4:06 p.m., when were present on behalf

of the respective parties:

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<p style="text-align: right;">70</p> <p>1 Mr. Fenster, how much time do you need 2 to do this? 3 MR. FENSTER: Your Honor, I've limited 4 it down and narrowed it down as tight as I can and I 5 believe that two weeks is the minimum and that that 6 will be consistent with our -- 7 HONORABLE RADER: So you're talking 8 about the 29th would be the summary judgment 9 motions, other than divided infringement? 10 MR. FENSTER: Yes, Your Honor. 11 MR. CANNON: Yes, Your Honor, so that 12 would be two weeks for Google and I think Yahoo, as 13 well, to file a motion for non-infringement and then 14 we would ask for a quick turn-around time, like a 15 10-day turn around time to, for plaintiff to oppose 16 that. 17 HONORABLE RADER: Can you do that, 18 Mr. Fenster? 19 MR. FENSTER: I'm sorry, so -- 20 HONORABLE RADER: So we're giving you 21 until February 9th to respond I think, February 8th 22 to respond.</p>	<p style="text-align: right;">72</p> <p>1 right? 2 MR. FENSTER: Yes, Your Honor. 3 MR. CANNON: Yes, Your Honor. 4 HONORABLE RADER: And then your other 5 non-infringement summary judgment motion, 6 Mr. Cannon, will come on the 29th, with a response 7 on the 9th and a reply on the 15th, right? 8 MR. CANNON: Correct, Your Honor. 9 MR. FENSTER: Yes, Your Honor. 10 HONORABLE RADER: Okay. What else do 11 you need, Mr. Fenster? 12 MR. FENSTER: Your Honor, I do 13 anticipate that we will need, that we will be able 14 to supplement the expert report with the code that's 15 recently been produced. 16 I told Your Honor that I thought that 17 would be the case at the summary judgment 18 opposition. May I suggest that we have our, that we 19 set a schedule to do that? 20 HONORABLE RADER: Can you two do that? 21 No, I better get involved. You haven't 22 done real well at agreeing to things.</p>
<p style="text-align: right;">71</p> <p>1 MR. FENSTER: If we had two weeks -- 2 HONORABLE RADER: No, uh-uh. You're 3 getting your time up front here. 4 MR. FENSTER: Oh, I see. 5 HONORABLE RADER: So you're going to 6 lose a little bit of time in the middle. 7 MR. FENSTER: February 9th. If they 8 file on the 29th, we will file an opposition by the 9 9th, Your Honor. 10 HONORABLE RADER: Just a second, let me 11 see if I -- how that hits the weekends. 12 They will file on the 29th. 13 MR. CANNON: We will file our response 14 on Tuesday, February 9. 15 HONORABLE RADER: Now let's be -- let's 16 be clear, and you will have your reply by when, 17 Mr. Cannon? 18 MR. CANNON: How about Monday, the 15th? 19 HONORABLE RADER: Monday the 15th it is. 20 Now, let's be clear, the divided 21 infringement motion comes on the 15th with 22 opposition on the 25th and a reply on the 29th,</p>	<p style="text-align: right;">73</p> <p>1 When, when do you, when do you need? 2 MR. FENSTER: Okay. Your Honor, can we 3 have until the 29th to do our supplemental report? 4 MR. CANNON: Your Honor, this is Brian 5 Cannon. 6 HONORABLE RADER: Yes, Mr. Cannon. 7 MR. CANNON: What I'm hearing is, once 8 again, the infringement theory shifting, so January 9 the 29th is the date -- 10 HONORABLE RADER: Not if I deny their, 11 their amendment, but -- 12 MR. CANNON: Right, that, that would be 13 helpful. 14 And then the expert report that we 15 received from plaintiff on January the 4th has an 16 infringement theory and if there's code that they 17 want, the plaintiff wants to cite to to support that 18 theory and we produce it to them afterwards, then 19 they should be entitled to say, hey, our theory is 20 supported by this code, you know. 21 But I think to come up with a whole new 22 report on January the 29th, I think that's</p>

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<p style="text-align: right;">74</p> <p>1 prejudicial to Google. 2 HONORABLE RADER: That is a little bit. 3 The 22nd, Mr. Fenster. 4 MR. FENSTER: The 22nd, Friday the 22nd? 5 HONORABLE RADER: Yes, you've got 6 Dalbert motions, everything in by February 14th 7 anyway. 8 MR. FENSTER: Yes, Your Honor. 9 HONORABLE RADER: And you've got a 10 pretrial conference in, on March 1st, so we haven't 11 got a lot of time here. 12 MR. CANNON: So, Your Honor, 13 January 22nd is the date by which plaintiff has to 14 do an amended report based on the new code? 15 HONORABLE RADER: That's correct. 16 MR. ROOKLIDGE: Your Honor, this is Bill 17 Rooklidge from Yahoo. It's our understanding from 18 our last conference that any supplementation would 19 be limited to newly-produced code. 20 HONORABLE RADER: That should be 21 correct. 22 MR. FENSTER: Yes, Your Honor, with the</p>	<p style="text-align: right;">76</p> <p>1 HONORABLE RADER: Okay. Questions? 2 Is everything pretty clear to you 3 gentlemen and lady? 4 MR. ROOKLIDGE: Yes, Your Honor. 5 MS. WILEY: Yes, sir. 6 MR. FENSTER: Yes. 7 MR. PRIDHAM: Your Honor, this is David 8 Pridham. 9 HONORABLE RADER: Yes, Mr. Pridham. 10 MR. PRIDHAM: I apologize, I just wanted 11 to go back to one point -- 12 HONORABLE RADER: Certainly. 13 MR. PRIDHAM: -- on the motion that 14 we're going to file Monday and Mr. Cannon's 15 statement earlier on this call. 16 I'm looking at a letter from Mr. Cannon 17 dated November 6th, 2009, and I'm going to read a 18 quote from the first paragraph. 19 Quote, we request that having now taken 20 extensive discovery regarding the accused products, 21 plaintiffs supplement its contentions to clearly 22 delineate what aspects and functionalities of Google</p>
<p style="text-align: right;">75</p> <p>1 one caveat -- this is Marc Fenster. 2 HONORABLE RADER: Yes, Mr. Fenster. 3 MR. FENSTER: With the one caveat that 4 some of the code that was produced earlier was 5 unintelligible without the code that was produced 6 later. 7 It should be limited to source code, I 8 agree, or, and source code that we have a good faith 9 basis for putting in that we couldn't put in before. 10 HONORABLE RADER: Yes, it has to be 11 newly discovered, it's not -- 12 MR. FENSTER: There are some files, some 13 source code files that were produced earlier that 14 didn't have class definitions available to us until 15 now. 16 HONORABLE RADER: Well that sounds like 17 that's newly discovered. 18 MR. FENSTER: Okay, thank you, Your 19 Honor. 20 HONORABLE RADER: But it's got to be 21 newly discovered. 22 MR. FENSTER: Fair enough.</p>	<p style="text-align: right;">77</p> <p>1 systems plaintiff claims infringe. 2 HONORABLE RADER: Mr. Cannon, that's 3 making you look pretty bad. 4 MR. CANNON: Your Honor, that's the 5 interrogatories. We asked, there's two parts to 6 this. 7 There's the, there's the, the formality 8 of the disclosures and then there's the 9 interrogatories. What we've been asking for from 10 early on is a clear articulation of the theory of 11 infringement. 12 We saw the interrogatories asking for 13 plaintiff's contentions. We want their contentions, 14 we wanted their contentions of infringement. 15 MR. PRIDHAM: Your Honor, this is 16 Mr. Pridham again. The next sentence says, patent 17 Rule 3-1 requires plaintiff infringement contentions 18 to specifically identify where each element of each 19 asserted claim is found with each, within each 20 accused instrumentality. 21 There's no reference, Your Honor, to -- 22 HONORABLE RADER: Mr. Pridham --</p>