

Exhibit 2

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

3 NORTHEASTERN UNIVERSITY, * Civil Docket No.
ET AL *
4 * 2:07-cv-486
VS. * Marshall, Texas
5 *
* April 4, 2011
6 GOOGLE, INC. * 11:45 A.M.

7 TRANSCRIPT OF VOIR DIRE PROCEEDINGS
8 BEFORE THE HONORABLE CHAD EVERINGHAM
9 UNITED STATES MAGISTRATE JUDGE

10 APPEARANCES:

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25 (Proceedings recorded by mechanical stenography,
transcript produced on CAT system.)

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P R O C E E D I N G S

COURT SECURITY OFFICER: All rise.

(Jury panel in.)

THE COURT: Thank you. Please be seated.

Good afternoon, Ladies and Gentlemen.

Thank you for your patience so far. Welcome to jury selection today.

My name is Chad Everingham. I'm a magistrate judge that sits here in Marshall. I share the building with Judge John Ward, who's the resident district judge here, and also from time to time, David Folsom, who has his duty station in Texarkana will come down here and try cases as well.

But we are here today to pick a jury in a civil case. It's a case that's known as a patent infringement case. I believe y'all saw a video downstairs before jury selection that will serve to help educate you a little bit generally on what patent cases are about.

I'm going to go over the process here in just a moment that we're going to follow this morning, and then after I'm through with that, we'll get right to the selection process.

The first thing that's going to happen is

1 your problem?

2 JUROR LEWIS: We fixed our problem.

3 MR. CARROLL: You didn't have to use one
4 of your granddaddy's Lewis guns, did you?

5 JUROR LEWIS: No.

6 MR. CARROLL: That's good.

7 All right. That's pretty much my time.

8 I want to thank you-all for your patience and your
9 attention, and I look forward to working with those of
10 you who are our patent police.

11 Thank you, Your Honor.

12 THE COURT: Thank you, Mr. Carroll.

13 Mr. Cordell?

14 MR. CORDELL: Thank you, Your Honor.

15 Good afternoon, Ladies and Gentlemen. My
16 name is Ruffin Cordell, and I'm privileged to appear
17 before you this afternoon on behalf of Google.

18 Like Mr. Carroll, we're going to tell you
19 a little bit about our case, and then I'm going to sort
20 of trade roles with Ms. Ainsworth, and she's going to --
21 she's going to ask you specific questions much in the
22 way that Mr. Carroll did.

23 But I'd first like to start by
24 introducing our trial team.

25 Jennifer Ainsworth is here. She's from

1 All right. So let's talk a little bit
2 about this case. Mr. Carroll said this is -- this is a
3 case about finding things, and he's right. He's right.
4 This is a case about organizing information and trying
5 to find it.

6 Now, it turns out there's a lot of ways
7 to -- to organize things. We all have documents at
8 home, right? Some of us put them on a big pile on the
9 kitchen table. Some people have a filing cabinet where
10 we put them in files and we organize them carefully.
11 Some people have a shoebox. A lot of different ways to
12 organize things.

13 The patent in this case, the patent that
14 Mr. Carroll showed you is about a very particular way of
15 organizing things where you use -- use a number. You
16 calculate a single number, and that number tells you not
17 only where the information is stored, what computer,
18 what haystack Mr. Carroll talked about, but where inside
19 that computer the information is.

20 You -- you come up with a single number,
21 and that tells you where you have to go and then where
22 you have to look once you get there. And the patent
23 claims that that's more efficient, and that's a better
24 approach to doing things.

25 And Mr. Carroll is also right that when

1 Dr. Baclawski came up with this thing, he was looking at
2 medical literature. He was looking at people that have
3 to find and organize documents dealing with diseases or
4 drugs or things like that.

5 And the good news for him and for this
6 patent is that that was a fairly small amount of
7 information. You didn't have to -- you didn't have to
8 have a very elaborate system, because it was -- it was a
9 manageable amount of information.

10 But, Ladies and Gentlemen, this is a
11 patent case. And in a patent case, what they've got to
12 prove, what the Jarg and Northeastern people have to
13 prove to you in order to prevail, in order to come and
14 take all that money they're asking for from Google,
15 they've got to prove that Google is using Dr.
16 Baclawski's invention.

17 They've got to prove they're using that
18 single-number approach to try to go out and find that
19 information and find where it is.

20 But, Ladies and Gentlemen, Google can't
21 do that. Can't do that. Mr. Carroll's right that
22 Google runs a whole lot of searches every single day.
23 And I don't know what the precise number is, but one
24 thing I do know is that they've got to organize and
25 index billions and billions and billions of documents

1 and webpages and books and all kinds of information.

2 When we go and run those searches that
3 Mr. Carroll asked you about, Google has to go and look
4 through all of this information. **So that simple**
5 **single-number approach that Dr. Baclawski's patent talks**
6 **about just won't work.** Just won't work. They can't do
7 it that way.

8 Instead, they've got to do layers and
9 layers of searching. They've got to figure out where
10 something is, and then when they get there, they've got
11 to look at what's stored there, and then they've got to
12 do some further organization and indexing in order to
13 find the information.

14 Dr. Baclawski's patent also talks about a
15 very simple send and receive method where I ask a
16 question, and it gets answered, and it's just this
17 one-to-one kind of correspondence. Google can't do
18 that, because there's just too many things it's looking
19 for and too much information to manage.

20 So at the end of the day, what we're
21 going to ask you to do is to agree with us that the
22 evidence shows that Google just doesn't use this simple
23 approach.

24 Now, there's going to be another part of
25 this case, and that is that we're going to ask you to