

Exhibit 4

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

3 MIRROR WORLDS, LLC)
) DOCKET NO. 6:08cv88
4)
 -vs-)
5) Tyler, Texas
) 9:00 a.m.
6 APPLE, INC.) August 26, 2010

7
8 TRANSCRIPT OF PRETRIAL HEARING
 BEFORE THE HONORABLE LEONARD DAVIS,
9 UNITED STATES DISTRICT JUDGE

10 A P P E A R A N C E S

11
12 FOR THE PLAINTIFF: MR. KENNETH L. STEIN
 MR. IAN DIBERNARDO
13 STROOCK & STROOCK
 180 Maiden Lane
14 New York, NY 10038-4982

15 MR. OTIS CARROLL
 MS. DEBORAH RACE
16 IRELAND, CARROLL & KELLEY
 6101 S. Broadway; Ste. 500
17 Tyler, Texas 75703

18
19 COURT REPORTER: MS. SHEA SLOAN
20 211 West Ferguson
 Tyler, Texas 75702

21
22 Proceedings taken by Machine Stenotype; transcript was
23 produced by a Computer.

24
25

1 FOR THE DEFENDANTS: MR. JEFF G. RANDALL
2 PAUL HASTINGS
3 1117 S. California Ave.
 Palo Alto, CA 94304-1106
4
5 MR. ALLAN M. SOOBERT
6 PAUL HASTINGS
7 875 15th St., NW
 Washington, DC 20005
8
9 MR. S. CHRISTIAN PLATT
10 PAUL HASTINGS
11 4747 Executive Dr., 12th Floor
12 San Diego, CA 92121
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Any further motions? Y'all get together on your
2 motions in limine, and I will -- any that would have to be
3 resolved prior to jury selection, I will take up the morning
4 before jury selection.

5 What about Apple's motion to limit the number of
6 claims asserted? Are we going to get this thing boiled down
7 to something manageable?

8 MR. STEIN: We --

9 THE COURT: It just seems like the plaintiff is
10 really shot-gunning this thing at this point, to me. Are you
11 going to be able to get it focused down?

12 MR. STEIN: We have narrowed the claims down and
13 have given Apple a reduced set. On our side they have --

14 THE COURT: If you would, you might want to stand.

15 MR. STEIN: I'm sorry. On our side they have -- I
16 don't know how many dozens of prior art references to try --

17 THE COURT: Are you going to get your prior art
18 references down?

19 MR. RANDALL: Your Honor, if they would -- yes, the
20 answer is if they limit their claims, we limit our prior art
21 reference and we will know what we are shooting at.

22 THE COURT: Y'all meet and confer. Submit me a
23 stipulation as to what you have limited it to by noon on
24 Monday.

25 All right. Okay. Once I get those, I will enter an

1 order regarding trial times, and I would encourage both sides
2 to really work hard at limiting that. This case is just kind
3 of everywhere, it seems to me.

4 We will -- jury selection is on the 7th with trial
5 to begin on the 20th. But I had three cases, one of them
6 has -- they decided to just appeal, so it has gone away. The
7 other one will be ahead of y'all, the SHURflo case. So it is
8 a lower number. I am having a pretrial on it on next Tuesday.
9 I will have a better idea on it, so that is all I can tell you
10 regarding times right now.

11 MR. RANDALL: Thank you, Your Honor.

12 MR. CARROLL: Will they -- I am in that one, too, so
13 will the SHURflo case get the jury first --

14 THE COURT: That is my thinking, but I am not going
15 to commit myself to that until after I have their pretrial and
16 sort of see which case --

17 MR. CARROLL: I'm going to ask the question you know
18 is coming, can we get the list before the 7th?

19 THE COURT: No.

20 Okay. Anything further?

21 MR. RANDALL: No, Your Honor, thank you.

22 THE COURT: All right. Very well. We will be in
23 recess. Oh, I forgot to ask y'all.

24 Be seated.

25 Where are you on mediation with this case?

1 MR. RANDALL: Your Honor, we met with Mr. Patterson,
2 a while back we met with him. Then we met with him about
3 three weeks ago or so. And then he just contacted me last
4 night as well.

5 So we are in contact with him. He says he is going
6 to stay on top of it. We are miles apart on that issue. And
7 I think he is going to make all efforts he can make, but there
8 are parties still a long ways apart.

9 MR. CARROLL: I owe him a call after we get out of
10 court today, Your Honor.

11 THE COURT: I would encourage y'all to make your
12 best efforts to get this resolved.

13 MR. CARROLL: Thank you, Your Honor.

14 (Hearing concluded.)

15

16 C E R T I F I C A T I O N

17

18 I certify that the foregoing is a correct transcript from the
19 record of proceedings in the above-entitled matter.

20

21

22 /s/ Shea Sloan

23 SHEA SLOAN, CSR, RPR
24 OFFICIAL COURT REPORTER
STATE OF TEXAS NO. 3081

25