

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** February 1, 2010

**JUDGE**  
LEONARD DAVIS

**COURT REPORTER**  
Shea Sloan

**Law Clerks:** Andrea Houston

**\*\*\* MINUTE SHEET FOR TWO CASES\*\*\***

|  |   |
|--|---|
| <b>EMG TECHNOLOGY, LLC</b><br><br><b>vs.</b><br><br><b>APPLE, INC., et al</b>  | <b>CIVIL ACTION NO: 6:08-CV-447</b><br><br><b>STATUS CONFERENCE<br/>AND MOTION HEARING (Dkt #199)</b>   |
| <b>EMG TECHNOLOGY, LLC</b><br><br><b>vs.</b><br><br><b>MICROSOFT CORPORATION, et al</b>  | <b>CIVIL ACTION NO: 6:09-CV-367</b><br><br><b>STATUS CONFERENCE</b>   |
| <b>ATTORNEYS FOR PLAINTIFF</b>   |   |
| Charley Ainsworth (Parker Bunt Ainsworth)  | Robert Becker (Manatt Phelps Phillips)  |
| <b>ATTORNEYS FOR DEFENDANTS<br/>IN CASE NO. 608CV447</b>   | <b>ATTORNEYS FOR DEFENDANTS<br/>IN CASE NO. 609CV367</b>  |
| David Healey (Fish & Richardson)<br>Garlend Stevens (Fish)<br>John Lane (Fish)<br><i>For Apple</i><br><br>Jessica Hannah (Capshaw)<br>Russell Genet (Nixon)<br><i>For American Airlines, Hyatt Corp</i><br><br>Dru Montgomery (Heartfield)<br><i>For Dell</i><br><br>John Guaragna (DLA Piper US)<br><i>For Marriott Int'l</i><br><br>Chad Walker (Fish & Richardson)<br><i>For Barnes &amp; Noble</i> | Christopher Carraway (Klarquist Sparkman)<br>Eric Findlay (Findlay Craft)<br><i>For Microsoft</i><br><br>Trey Yarbrough (Yarbrough Firm)<br><i>For Scottrade</i><br><br>David Healey (Fish & Richardson)<br>Garlend Stevens (Fish)<br>John Lane (Fish)<br><i>For Southwest Airlines</i><br><br>Patrick Clutter (Potter Minton)<br><i>For Zagat</i><br><br>Deron Dacus (Ramey & Flock)<br>Anthony Fenwick (Davis Polk Wardwell)<br><i>For Comcast</i><br><br>Chad Walker (Fish & Richardson)<br><i>For Priceline.Com</i> |

On this day, came the parties by their attorneys and the following proceedings were had:

**DAVID J. MALAND, CLERK**

**FILED: 2.1.2010**

BY: Rosa L. Ferguson , Courtroom Deputy

BEGIN: 1:35 pm

ADJOURN: 1:55 pm

| TIME:   | MINUTES:   |
|---------|--|
| 1:35 pm | Mr. Findlay and Mr. Carraway announced ready on behalf of Microsoft. Mr. Genet, Mr. Montgomery & Ms. Hannah announced ready for American Airlines, Hyatt & Dell. Mr. Stephens, Mr. Healey & Mr. Lane announced ready for Apple and Southwest Airlines. Mr. Yarbrough announced ready for Scottrade. Mr. Clutter announced ready for Zagat. Mr. Dacus & Mr. Fenwick announced ready for Comcast. Mr. Walker announced ready for Priceline & Barnes and Noble. |
|         | Court addressed the parties on the joint status conference.  |
|         | Mr. Stephens addressed the Court regarding the status of the cases and cases now involves 2 patents.   |
|         | Mr. Becker addressed the Court on the Apple case and production of documents. Mr. Stephens responded as to production of documents. Mr. Becker replied. Mr. Stephens can have a protective order and once entered, Apple can have the documents in a week. Court inquired as to the disputes on the protective order. Mr. Becker addressed the Court no re-examination. Mr. Stephens responded. Mr. Becker responded as to the continuation applications.    |
|         | Court preclude from participate from any re-exam, but if good cause shown, Court can revisit that issue. Court addressed parties to make a strong enough case to participate in the re-exam. Court inquired as to whether the issue has been resolved regarding Mr. Gottfurcht.  |
|         | Court will consolidate into the newer case, but Apple in the older case will go ahead and begin production within 10 days as indicated.  |
|         | Court addressed the parties on the trial docket and will place it on the Court's September docket. Court will consolidate through pretrial, but then for purposes of trial, Court will visit .   |
|         | Court inquired as to discovery disputes. Mr. Ainsworth addressed the Court. Court asked the parties to meet and work it out.   |
|         | Court gave the parties the Markman Date of 1/27/2011, Pretrial Conference Date of 8/25/2011, Jury Selection of 9/6/2011 and Trial date of 9/12/2011.   |
|         | Mediator discussed. Court will appoint Judge Faulkner as the mediator.   |
| 1:55 pm | There being nothing further, Court adjourned.  |