

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

TYLER DIVISION

DATE: April 11, 2011

JUDGE
LEONARD DAVIS

REPORTER: Shea Sloan

LAW CLERKS: Nicole Mitchell & Anna Phillips

BEDROCK TECHNOLOGIES, LLC V GOOGLE, INC.	CIVIL ACTION NO: 6:09-CV-269 JURY TRIAL - DAY 1
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
SEE SIGN-IN SHEETS	

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

OPEN: 8:45 am

ADJOURN: 5:15 pm

TIME:	MINUTES:
8:45 am	In-Chambers Conference with the Parties.
9:30 am	Trial resumed. Jury not present in the courtroom. Court inquired if the parties had anything to bring up.
	Mr. Cawley addressed the Court on Motion in Limine regarding the finalized re-exam on the patent-in-suit. Mr. Stern responded. Court will allow it in and allow Defendant by noon tomorrow to file an expert report if they wish.
	Mr. Jones presented Motion concerning damage expert. Court will hear it later if it does not affect opening.
	Mr. Cawley objection by Google in one of the slides on preliminary instructions. Mr. Stern responded. Objection overruled.
	Mr. Stern addressed the # of Google servers and asked that the courtroom be cleared when Mr. Cawley states that information. Mr. Cawley compromised and will adjust the number to a general amount.
	Mr. Stern addressed the Court on document subject of a Motion in Limine on the president of Bedrock's divorce. Court will exclude.

DAVID J. MALAND, CLERK

FILED: 4.11.2011

BY: *Rosa L. Ferguson*, Courtroom Deputy

TIME:	MINUTES:
	Mr. Stern addressed the Court on documents on testing that was done regarding efficiency documents. Mr. Stevenson responded. Mr. Stern replied. Parties continued to discuss. Court will take under advisement and ordered not to mention in opening statement.
	Mr. Cassady addressed the Court on objection of Plaintiff's Exhibits # 9, 60 & 62. Mr. Stern responded. Court will adopt Judge Love's ruling on this matter.
10:55 am	Court asked for the Jury to be brought in. Jury entered and seated in the courtroom.
	Court addressed the Jury and apologized for the delay in getting started. Court gave the jury some preliminary jury instructions.
	Mr. Cawley presented opening statement on behalf of the plaintiff, Bedrock.
	Mr. Stern presented opening statement on behalf of the Defendant, Google.
	Court addressed the Jury and will be excusing them for lunch until 12:10 pm.
11:30 am	Court in recess until 12:10 pm.
12:10 pm	Trial resumed. Jury not present in the courtroom.
	Court addressed the parties in regard to the Court's charge and asked the parties to meet and confer tonight and have by the morning an undated charge with the various parts or positions.
	Mr. Cawley addressed the Court on the fundamental starting place, to use the jury instructions as to the Mirror Worlds' case or the former instruction as in the Sovereign case. Court would like the Mirror Worlds.
	Court advised the parties of the 7:00 pm Rule and advised that if parties wished the Court to consider a Motion, that it must be filed by 7:00 p.m. the night before.
	Court addressed the parties on admission of exhibits.
	Court asked for the Jury to be brought in. Jury entered and seated in the courtroom.
	Court called on the parties to offer exhibits.
	Mr. Cassady offered exhibits listed on "Plaintiff's Exhibits Offered on Monday, April 11, 2011," and list to be marked as Plaintiff's Exhibit List 1 . Plaintiff's Exhibit List 1 list: Plaintiff's Exhibits 1-5, 9, 16, 17, 19, 21-24, 26-30, 33-35, 38-45, 57, 48, 50, 60, 62, 70-73, 84, 105, 107-112, 115-117, 124-127, 129, 134-173, 182-199, 201, 202, 222-225, 227-235, 237, 238, 243-246, 256 & 257, and without objection these exhibits admitted.
	Ms. Pennypacker offered exhibits listed on "Defendant's Exhibits Offered on Monday, April 11, 2011," and list to be marked as Defendant's Exhibit List 1 . Defendant's Exhibit List 1 list: Defendant's Exhibits 3, 7, 8, 10, 11, 19-24, 27-31, 33-42, 44-49, 51-54, 56-61, 66-72, 78-80, 82-109, 111, 113, 115, 118, 120-122, 126-132, 153, 181-183, & 185, and without objection these exhibits admitted.
	Mr. Cawley called Dr. RICHARD NEMES to the witness stand. Witness sworn by the Clerk. Mr. Cawley asked to invoke the Rule.
	Mr. Cawley asked to approach the bench. (Bench Conference held)

TIME:	MINUTES:
	Court asked Jury to retire to the Jury room for a brief matter before the court. Jury excused from the courtroom.
	Mr. Cawley asked for the Rule be invoked and requests that the Rule be applied as to both cases. Mr. Stern responded and has no objection.
	Court addressed the persons who are going to be testifying as to the other case and inquired if there was any objection to the Rule. Mr. Morisseau responded and has no objection.
	Court will invoke the Rule as to everyone with the exception of the party representatives and experts.
	Court asked for the Jury to be brought in. Jury entered and seated in the courtroom.
	Court asked witnesses to stand and be sworn. Lucas Pereira, Eugene Schultz, Kevin Jeffay, Mark Jones, Keith Ugone, Roy Weinstein stood and were sworn by the Clerk. Court advised the witnesses of the Rule being invoked.
	Dr. RICHARD NEMES on the witness stand. Direct examination of Dr. Nemes by Mr. Cawley.
1:20 pm	Court in recess until 1:30 pm.
1:30 pm	Trial resumed. Jury seated in the courtroom.
	Direct examination of Dr. Nemes by Mr. Cawley continued. Mr. Cawley offered Plaintiff's Exhibit #240 , and without objection, exhibit admitted.
	Mr. Cawley passed the witness. Cross examination of Dr. Nemes by Mr. Stern.
	Mr. Stern passed the witness. Redirect examination of Dr. Nemes by Mr. Cawley.
	Mr. Cawley passed the witness. No further questions of this witness at this time.
3:10 pm	Court in recess until 3:30.
3:30 pm	Trial resumed. Jury not present in the courtroom.
	Mr. Stern addressed the Court on Dr. Nemes' testimony regarding spin locks and Dr. Jones's report lacks anything on spin locks. Mr. Stern asked to strike any testimony from the expert regarding spin locks. Mr. Stevenson responded. Mr. Stern replied. Mr. Stevenson further responded. Court indicated Mr. Stern can make his objections at the appropriate time.
	Court asked for the jury to be brought in. Jury entered and seated in the courtroom.
	Mr. Stevenson called Dr. MARK JONES to the witness stand. Witness previously sworn.
	Direct examination of Dr. Jones by Mr. Stevenson.
	Court asked counsel to approach bench. (Bench Conference held).
	Direct examination of Dr. Jones continued.
4:35 pm	Mr. Stevenson addressed the Court and witness is about to go into sensitive material. Court asked those that are not subject to the protective order to be excused from the courtroom. Persons exited the courtroom.

TIME:	MINUTES:
	RECORD SEALED. Direct examination of Dr. Jones continued.
	<i>Record remained sealed until the end of the day.</i>
5:15 pm	Mr. Stevenson addressed the Court and is at a stopping point.
	Court addressed the Jury and will recess them until 9:00 a.m. Jury excused.
	Court addressed the parties and advised parties of the time used. Plaintiff has used 3 hours and 15 and Defendant used 1 hour and 13 minutes.
	Mr. Jones addressed the Court on the damages expert report. Court asked that it be brought up when they got close to is.
5:15 pm	Court in recess.