

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

**TYLER DIVISION**

**DATE:** April 12, 2011

**JUDGE**  
LEONARD DAVIS

**REPORTER:** Shea Sloan

**LAW CLERKS:** Nicole Mitchell & Anna Phillips

<b>BEDROCK TECHNOLOGIES, LLC V GOOGLE, INC.</b>	<b>CIVIL ACTION NO: 6:09-CV-269  JURY TRIAL - DAY 2</b>
<b>ATTORNEYS FOR PLAINTIFFS</b>	<b>ATTORNEY FOR DEFENDANT</b>
<b>SEE SIGN-IN SHEETS</b>	

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

**OPEN:** 8:45 am

**ADJOURN:** 5:15 PM

<b>TIME:</b>	<b>MINUTES:</b>
8:45 am	Trial resumed. <b>Hearing outside presence of the Jury.</b>
	Court addressed the parties on motions. Mr. Jones presented Dft's Motion regarding Weinstein. Mr. Cassady responded. Mr. Jones replied. Parties continued to discuss. Court after reconsidering Docket # 721, 720 & 716, denies motions.
	Mr. Cassady addressed the Court on Weinstein's testimony regarding prior opinion. Mr. Jones responded. Court will exclude.
	Ms. Pennypacker addressed the Court on slides. Mr. Cassady responded. Court overruled that objection. Ms. Pennypacker addressed the Court on another slide. Motion denied.
	Court advised the parties that one of the jurors , BH's home burned down last night. Court will exclude her from the trial. No objections from the parties.
	Court addressed the parties regarding requests for transcripts and the Court Reporter does not know who is covered or not covered by the protective order and is instructing the parties to not give her a name not covered by the protective order.
	Court asked for the Jury to be brought in. <b>Jury entered and seated in the courtroom.</b>

**DAVID J. MALAND, CLERK**

**FILED: 4.12.2011**

BY: *Rosa L. Ferguson*, Courtroom Deputy

TIME:	MINUTES:
	Court addressed the Jury and advised that one of their members' house burned down and she has been excused from the trial. Court will proceed with 7 jurors.
	<b>RECORD SEALED.</b> Court instructed persons not covered by Protective Order be excused from the courtroom.
	<b>Dr. MARK JONES</b> on the witness stand. Direct examination of Dr. Jones by Mr. Stevenson continued.
10:25 am	Mr. Stern asked to approach the bench. (Bench conference held).
10:30 am	Court recessed Jury until 10:45 am.. Mr. Parker asked to approach the bench. (Bench Conference held).
10:30 am	Court in recess.
10:45 am	Trial resumed. Jury seated in the courtroom.
	Mr. Stern addressed the Court and advised that the Record could be unsealed.
	Court UNSEALED the record and asked that the signs on the door and in the courtroom be taken down.  <b>RECORD UNSEALED.</b>
	<b>Dr. MARK JONES</b> on the witness stand. Cross examination of Dr. Jones by Mr. Stern.
11:10 AM	Mr. Stern asked the record be sealed. Court sealed the courtroom and excused those not subject to the protective order.
	<b>RECORD SEALED.</b> Cross examination of Dr. Jones by Mr. Stern.
	Mr. Stern passed the witness. Redirect examination of Dr. Jones by Mr. Stevenson.
	Mr. Stevenson passed the witness. Recross examination of Dr. Jones by Mr. Stern.
	Mr. Stern passed the witness. Redirect examination of Dr. Jones by Mr. Stevenson.
	Mr. Stevenson passed the witness. No further questions of this witness.
11:47 pm	Court addressed the Jury and Court in recess until 12:20 pm.
12:20 pm	Trial resume.
	Mr. Cassidy called <b>ROY WEINSTEIN</b> to the witness stand. Witness previously sworn.
	Direct examination of Mr. Weinstein by Mr. Cassidy.
	Mr. Cassidy advised the Court that it was going into sensitive testimony. Mr. Stern asked that courtroom be sealed. Court sealed the courtroom and excused those not subject to the protective order.
1:05 pm	<b>RECORD SEALED.</b> Direct examination of Mr. Weinstein by Mr. Cassidy.
1:20 pm	Mr. Cassidy passed the witness. Court in recess for 5 minutes.

<b>TIME:</b>	<b>MINUTES:</b>
1:26 pm	<b>Trial resumed. Jury seated in the courtroom.</b>
	Roy Weinstein on the witness stand. Cross examination of Mr. Weinstein by Mr. Jones.
1:27 pm	<b>RECORD UNSEALED.</b> Cross examination of Mr. Weinstein by Mr. Jones continued.
2:03 pm	Mr. Cassady asked to approach bench. (Bench conference held).
	Mr. Jones passed the witness. Redirect examination of Mr. Weinstein by Mr. Cassady.
	Mr. Cassady.
	Mr. Hejny would like to play 4 depositions lasting about 35 minutes.
	Mr. Hejny gave a brief overview of deposition of Laurent Chavey. Mr. called <b>LAURENT CHAVEY</b> by video deposition. Video played for the jury.
2:30 pm	Technical difficulties with video. Court in recess until 2:45 pm.
2:45 pm	Trial resumed. Mr. Hejny gave the Court the time for depositions: 17 minutes for Bedrock 17 for Google. <b>Jury entered and seated in the courtroom.</b>
	Video deposition of LAURENT CHAVEY continued.
	Mr. Hejny called <b>SUNIL DALUVOY</b> by video deposition and gave a brief overview of deposition. Video played for the jury.
	Mr. Hejny called <b>DAMIAN MENSCHER</b> by video deposition and gave a brief overview of deposition. Video played for the jury.
	Mr. Hejny called <b>TRICIA WEIR</b> by video deposition and gave a brief overview of deposition. Video played for the jury.
	Technical difficulties with video. Mr. Cawley indicated they could call a live witness in the interim.
	Mr. Cawley called <b>LUCAS PEREIRA</b> to the witness stand. Witness previously sworn.
	Direct examination of Mr. Pereira by Mr. Cawley.
	Mr. Cawley passed the witness. Direct examination of Mr. Pereira by Mr. Jones.
	Mr. Jones passed the witness. Recross ab
	Mr. Cawley passed the witness. No further questions of this witness.
	Mr. Hejny recalled <b>TRICIA WEIR</b> by Video Deposition to finish playing the video to the Jury.
	Mr. Cassady addressed the Court and offered exhibits listed on "Plaintiff's Exhibits Offered on Tuesday, April 12, 2011," and list to be marked as <b>Plaintiff's Exhibit List 2</b> . Plaintiff's Exhibit List 2 lists: <b>Plaintiff's Exhibits 8, 10-15, 18, 29, 54-56, 58, 59, 61, 63, 64, 66, 76, 77, 111, 128, 175-181, 190, 224, 247-256,</b> and without objection these exhibits admitted.

TIME:	MINUTES:
	Ms. Pennypacker offered exhibits listed on “Defendant’s Exhibits Offered on Tuesday, April 12, 2011,” and list to be marked as <b>Defendant’s Exhibit List 2</b> . Defendant’s Exhibit List 2 lists: <b>Defendant’s Exhibits 189 &amp; 207</b> , and without objection these exhibits admitted.
	Mr. Cawley indicated that <b>Plaintiff RESTS</b> .
	Mr. Stern asked to approach the bench. (Bench Conference held).
	Ms. Pennypacker will be calling two witnesses by video and gave the Court the combined time.  Ms. Pennypacker called <b>MIKHAIL LOTVIN</b> by video deposition and gave the jury a brief overview of the deposition. Video played for the Jury.
	Ms. Pennypacker called <b>DAVID J. GARROD</b> by video deposition and gave the jury a brief overview of the deposition and gave the Court times for the videos. Video played for the jury.
4:50 pm	<b>Court excused the Jury for the evening.</b>
	Court gave the parties their times used thus far: Plaintiff has 6 hours and 55 minutes and Defendant has used 3 hours and 58 minutes.
	Court asked for a run down and estimate of witnesses for tomorrow. Ms. Pennypacker addressed the Court and outlined the witnesses for tomorrow. Court and parties discussed time.
	Court will hear JMOLs.
	Mr. Stern presented Defendant’s JMOLs on liability, which is infringement and damages, Court will take a look at them. Mr. Stern summarized the infringement motion. Mr. Stevenson responded.
	Mr. Jones presented Defendant’s JMOL on three grounds, obviously anticipated, a failure to show that the efficiencies and cost savings exactly occur to Google; and that Plaintiff failed to prove the applicability of the Nash Bargaining Solution. Mr. Cassidy responded.
5:15 pm	There being nothing further, Court adjourned for the day.