

EXHIBIT 1

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

BEDROCK COMPUTER)
TECHNOLOGIES LLC)

DOCKET NO. 6:09cv269

-vs-)

Tyler, Texas
12:40 p.m.

GOOGLE, INC.)

April 14, 2011

TRANSCRIPT OF TRIAL
AFTERNOON SESSION
BEFORE THE HONORABLE LEONARD DAVIS,
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. DOUGLAS A. CAWLEY
MR. THEODORE STEVENSON, III
MR. SCOTT W. HEJNY
MR. JASON D. CASSADY
McKOOL SMITH
300 Crescent Court, Ste. 500
Dallas, Texas 75201

MR. ROBERT M. PARKER
MR. ROBERT CHRISTOPHER BUNT
PARKER, BUNT & AINSWORTH
100 E. Ferguson, Ste. 1114
Tyler, Texas 75702

COURT REPORTERS:

MS. JUDY WERLINGER
MS. SHEA SLOAN

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

1 FOR THE DEFENDANTS:
2 MR. CLAUDE M. STERN
MS. EVETTE D. PENNYPACKER
3 MR. TODD M. BRIGGS
555 Twin Dolphin Dr., 5th Floor
4 Redwood Shores, CA 94065

5
6 MR. MICHAEL JONES
POTTER MINTON
7 P.O. Box 359
Tyler, Texas 75710

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P R O C E E D I N G S

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(Jury out.)

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COURT SECURITY OFFICER: All rise.

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THE COURT: All right. Please be seated.

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Let me just announce, I'm going to ask my

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Law Clerk to provide you with a copy of the Court's

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Charge so that you can be reviewing it. As soon as we

23

hear -- finish with all of the testimony this afternoon,

24

I will hear any objections to the Court's Charge. This

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is the only opportunity to object, so that when we come

1 MR. STERN: Finally, Your Honor, we --
2 Google wants to renew its motion for judgment as a
3 matter of law for non-infringement. There was a claim
4 in the case that -- that Google uses the system
5 identified in Claims 1 and 2 of the patent. We believe
6 the testimony that came out from Professor Jones
7 establishes unequivocally that there is a confusion that
8 the Plaintiff has with respect to what it means to use a
9 claim.

10 Because of inadequate proof in the case
11 regarding the extent to which Google is alleged to have
12 actually used any of the systems claims either of Claim
13 1 or Claim 2, we move for judgment as a matter of law.

14 THE COURT: Motion is denied.

15 MR. STERN: Thank you, Your Honor.

16 THE COURT: Anything further? Either
17 party?

18 MR. HEJNY: Nothing from Bedrock, Your
19 Honor.

20 MR. STERN: I think that's it, Your
21 Honor.

22 THE COURT: Let me give the parties their
23 final times. The Plaintiff used 11 -- I mean, the
24 Plaintiff used 11 hours and 27 minutes, and Defendant
25 used 11 hours and 37 minutes. So you gave us back a

1 little time, which the Court is appreciative of.

2 MR. STERN: Your Honor, do we get that
3 additional time on the closing?

4 THE COURT: No, you don't.
5 All right. We will be adjourned.
6 See you in the morning.

7 COURT SECURITY OFFICER: All rise.
8 (Court adjourned.)

9

10 CERTIFICATION

11

12 I HEREBY CERTIFY that the foregoing is a
13 true and correct transcript from the stenographic notes
14 of the proceedings in the above-entitled matter to the
15 best of our abilities.

16

17 /s/ _____

SHEA SLOAN, CSR Date

18 Official Court Reporter

State of Texas No.: 3081

19 Expiration Date: 12/31/12

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/s/ _____

22 JUDITH WERLINGER, CSR Date

Deputy Official Court Reporter

23 State of Texas No.: 731

Expiration Date 12/31/12

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