

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

**TYLER DIVISION**

**DATE:** April 27, 2011

**JUDGE**  
LEONARD DAVIS

**REPORTER:** Shea Sloan

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

<b>BEDROCK TECHNOLOGIES, LLC V YAHOO! INC.</b>	<b>CIVIL ACTION NO: 6:09-CV-269  JURY TRIAL - DAY 1</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:** 9:00 am

**ADJOURN:** 5:00 pm

<b>TIME:</b>	<b>MINUTES:</b>
9:00 am	Trial resumed. <b>Jury not present in the courtroom.</b>
	Mr. Morisseau addressed the Court on the no bifurcation order of the willfulness issues, and since there is no bifurcation, requested certain evidence come in. Mr. Morisseau requested the Garrod affidavit, the second reexam, Dr. Koomey's declaration, settlement agreements, and google verdict and request for damages be allowed.
	Mr. Cawley responded. Mr. Morisseau believes it should be bifurcated. Court will stick to its ruling in trying it all in one case.

**DAVID J. MALAND, CLERK**

**FILED: 4.27.2011**

BY: *Rosa L. Ferguson*, Courtroom Deputy

TIME:	MINUTES:
	<p>Court asked Mr. Morisseau to list the items one by one. Mr. Morisseau financial affidavit of David Garrod (divorce). Court denied. Second Item - pending reexam. Court denied. Koomey declaration. Court denied and indicated they could bring him live. Settlement agreements coupled with the damage requests. Court addressed Mr. Morisseau. Mr. Morisseau responded and would request that they be limited for purposes of to the issue of willfulness. Mr. Cawley responded. Court denied. Mr. Morisseau asked that the entire verdict and request with a request that their damage case is 183 million. Court denied. Request for infringement is denied.</p>
	<p>Ms. Doan addressed the Court on the pending reexam and referenced a Judge Ward decision. Ms. Doan further argued to the Court. Court addressed Ms. Doan and has already ruled on this.</p>
	<p>Mr. Stevenson addressed the Court on Motion in Limine regarding Intellectual Ventures' offer and asked Court to exclude any reference to those offers. Mr. Morisseau responded. Court sustains Motion in Limine and will allow to the extent that they may say attempt to license and agreement not reached.</p>
	<p>Mr. Cawley reminded that they wished to invoke the Rule. Court reminded the parties of the Court's 7 pm rule and no motions will be considered if filed after 7:00 p.m. Court addressed the parties on the admission of exhibits.</p>
9:25 am	<p>Court asked for Jury to be brought in. <b>Jury entered and seated in the courtroom.</b></p>
	<p>Court welcomed the Jury back and gave them preliminary instructions.</p>
	<p>Mr. Cawley presented opening statements to the Jury on behalf of the Plaintiff, Bedrock.</p>
	<p>Mr. Morisseau presented opening statements to the Jury on behalf of the Defendant, Yahoo!</p>
10:50 am	<p>Court addressed the Jury and advised them on lunch and refreshments that is being provided by the parties.</p>
10:55 am	<p>court in recess until 11:15 am.</p>
11:15 am	<p>Trial resumed. Jury entered and seated in the courtroom.</p>
	<p>Court addressed the Jury on the evidence phase of the case. Court asked for all witnesses to stand and state their names: Joel Williams, Keith Ugone, Stephen Gray, Roy Weinstein, Mark Jones, David Filo, Richard Nemes. Court asked clerk to swear in the witness. Witnesses sworn. Court addressed the witness on the Rule being invoked. Court excused the witness other than experts and representatives..</p>
	<p>Mr. Cassidy offered exhibits listed on "Plaintiff's Exhibits Offered on Wednesday, April 27, 2011," and list to be marked as <b>Plaintiff's Exhibit List 1</b>. Mr. Bright addressed the Court and objects to Plaintiff's Exhibits #252 &amp; 253. Court admitted with that notation. Plaintiff's Exhibit List 1 list: <b>Plaintiff's Exhibits 1-5, 6A - 6S, 7 - 9, 11, 15, 16, 18, 20-23, 26, 28, 29, 32-34, 37 - 44, 46 - 49, 53 - 55, 57 - 63, 65, 71, 75, 76, 90 - 97, 100, 102, 103, 105, 112, 113, 124, 126, 221, 223, 224, 226, 228, 231, 237, 239 - 247, 252 - 260, 271 &amp; 272,</b> and exhibits admitted.</p>

TIME:	MINUTES:
	Mr. Bright offered exhibits listed on "Defendant Yahoo!'s Exhibits Offered on Wednesday, April 27, 2011," and list to be marked as <b>Defendant's Exhibit List 1</b> . Defendant's Exhibit List 1 list: <b>Defendant's Exhibits 20, 22, 24 - 29, 32, 34 - 38, 44 - 48, 56, 64 - 66, 74, 77, 94, 95, 98, 101 - 104, 114, 115, 118 - 121, 206, 212, 213, 224, 229, 230, 269 - 271, 273, 274, 276, 279 &amp; 280</b> , and without objection these exhibits admitted.
	Mr. Cawley called <b>Dr. RICHARD NEMES</b> to the witness stand. Witness previously sworn. Direct examination by Mr. Cawley.
12:30 pm	Court addressed the Jury and recessed them for lunch until 1:10 p.m.
1:10 pm	Trial resumed. <b>Jury seated in the courtroom.</b>
	Direct examination of Dr. Nemes continued.
	Mr. Cawley passed the witness. Cross examination of Dr. Nemes by Ms. Doan.
	Ms. Doan passed the witness. Mr. Cawley addressed the Court and has a couple of issues in limine.
3:07 pm	Court recessed the Jury until 3:30 pm.
	Mr. Cawley addressed the Court on a limine issue prohibiting reference that Bedrock is not the owner of the '120 patent and that copying from the '495 is improper. Mr. Cawley requested a corrective instruction. Ms. Doan responded. Court asked plaintiff to draft and instruction and Court would consider.
3:10 pm	Court in recess.
3:30 pm	Trial resumed. <b>Jury not present in the courtroom.</b> The Court addressed the parties and is not going to give an instruction at this time and asked parties to approach the bench. Court will consider an instruction in the final charge if necessary. Court asked that the Jury be brought in.
	<b>Jury seated in the courtroom.</b>
	Dr. Richard Nemes on the witness stand. Redirect examination of Dr. Nemes.
	Mr. Cawley passed the witness. Recross examination of Dr. Nemes.
	Ms. Doan passed the witness. Redirect examination. Mr. Cawley passed the witness. Recross examination. Ms. Doan passed the witness. Redirect examination. Mr. Cawley passed the witness. Recross examination. Ms. Doan passed the witness.
	Mr. Stevenson called <b>Dr. MARK JONES</b> to the witness stand. Witness previously sworn.
	Direct examination of Dr. Jones by Mr. Stevenson.
5:00 pm	Court addressed the Jury and reminded them of their instructions and recess them until 9:00 a.m.
5:00 pm	There being nothing further, Court adjourned for the day.