

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

TYLER DIVISION

DATE: April 29, 2011

JUDGE
LEONARD DAVIS

REPORTER: Shea Sloan

LAW CLERKS: Nicole Mitchell & Anna Phillips

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| BEDROCK TECHNOLOGIES, LLC V YAHOO! INC. | CIVIL ACTION NO: 6:09-CV-269 JURY TRIAL - DAY 3 |
| 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: 8:50 am

ADJOURN: 5:15 pm

| TIME: | MINUTES: |
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| 8:50 am | Trial resumed. Jury not present in the courtroom. |
| | Court understands that parties have a matter to take up. Mr. Cassady advised Court that the matter has been resolved. |
| | Mr. Cawley asked the Court to instruct the Jury regarding edited video clips. Mr. Morisseau does not object. Court will do so. |
| | Court discussed with parties scheduling for the remainder of trial and would like to come back Monday afternoon (5/9) and finish evidence, then charge and argue Tuesday. Court gave other alternative of coming back Tuesday to conclude evidence and pushing through with argument and deliberations. Parties prefer to come back Monday. Mr. Morisseau advised the Court that two of their witnesses, Turner and Barrow have not been sworn. |
| 9:00 am | Trial resumed. Jury entered and seated in the courtroom. Court addressed the Jury and inquired about coming back on Monday, May 9 and finish testimony, then come back Tuesday morning for charge and deliberations. Court gave them the alternative of coming back Tuesday and possibly going late Tuesday and into Wednesday. Court proposed first option would be better and inquired if the Jury had a conflict. None responded. |

DAVID J. MALAND, CLERK

FILED: 4.29.2011

BY: *Rosa L. Ferguson*, Courtroom Deputy

| TIME: | MINUTES: |
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| | Court addressed the Jury on video depositions and explained the video testimony and editing process. |
| | Mr. Cawley called ALEXEY KUZNETSOV by Video Deposition. Video played. |
| | Mr. Cawley called DAVID FILO to the witness stand. Witness previously sworn. |
| | Cross examination of Mr. Filo by Mr. Cawley. |
| | Ms. Doan objected to the line of questioning regarding an email. Court and parties discussed. Mr. Cawley asked to approach. (Bench Conference held). |
| | Cross examination of Mr. Filo continued. |
| | Mr. Cawley passed the witness. Direct examination of Mr. Filo by Ms. Doan. |
| 10:55 am | Court in recess until 11:15 am. |
| 11:20 am | Trial resumed. Jury entered and seated in the courtroom. |
| | David Filo on the witness stand. Direct examination continued. |
| 12:30 PM | Court in recess until 1:10. |
| 1:10 pm | Trial resumed. Jury seated in the courtroom. |
| | Mr. David Filo on the witness stand. Direct examination continued. |
| | Ms. Doan passed the witness. Recross examination of Mr. Filo by Mr. Cawley. |
| | Mr. Cawley passed the witness. Redirect examination of Mr. Filo by Ms. Doan. |
| | <p>Mr. Cassady offered exhibits listed on "Plaintiff's Cumulative Exhibits Admitted Through Thursday, April 28, 2011," and list to be marked as Plaintiff's Exhibit List 2. Subject to the previous objections that have been ruled upon, Court admitted these exhibits. Plaintiff's Exhibit List 2 list: 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 & 272, and exhibits admitted.</p> <p>Mr. Cassady offered exhibits listed on "Plaintiff's Exhibits Offered on Friday, April 29, 2011," and list to be marked as Plaintiff's Exhibit List 3. Subject to the previous objections that have been ruled upon, Court admitted these exhibits. . Plaintiff's Exhibit List 3 list: Plaintiff's Exhibits 12-14, 17, 19, 24, 25, 27, 30, 31, 51, 56, 80, 98, 104, 106, 108, 111, 118, 119, 225, 227, 230, 238, 248, 261 - 270, 282 - 290, and Defendant's Exhibit 187, and exhibits admitted.</p> |
| | <p>Mr. Bright offered exhibits listed on "Defendant's Cumulative Exhibits Admitted Through Thursday, April 28, 2011," and list to be marked as Defendant's Exhibit List 2. Defendant's Exhibit List 2 list: Defendant's Exhibits 20, 22, 24 - 29, 32, 34 - 38, 43 - 48, 56, 62, 64 - 68, 74, 77, 90 - 96, 98, 101 - 104, 108, 114, 115, 118 - 121, 190, 191, 206, 210, 212, 213, 215 - 220, 224, 226, 229, 230, 243 - 245, 250, 251, 256, 258, 269 - 271, 273 - 277, 279, 280 & 426, and without objection these exhibits admitted.</p> |

| TIME: | MINUTES: |
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| | Mr. Bright offered exhibits listed on "Defendant Yahoo!'s Exhibits Offered on Friday, April 29, 2011," and list to be marked as Defendant's Exhibit List 3 . Defendant's Exhibit List 3 list: Defendant's Exhibits 436, 438 - 441 & 445 , and without objection these exhibits admitted. |
| | Mr. Cawley indicated that the PLAINTIFF RESTS . Mr. Bright addressed the Court regarding filing JMOLS. |
| | (Bench Conference held.) |
| 2:00 pm | Court recessed the Jury for 10 minutes and excused from the courtroom. |
| | Court addressed the parties and Mr. Bright tendered 3 written motions to the Court on Willfulness, infringement and damages. They are to be filed electronically. Mr. Bright wishes to summarize each for the Court. |
| | Mr. Bright moved JMOL as to willful infringement. Court denied motion. |
| | Mr. Bright moved for JMOL as to non-infringement. Court denied motion. |
| | Mr. Bright moved for JMOL as to damages. Court denied motion. |
| 2:06 pm | Court asked for the Jury to be brought in. Jury entered and seated in the courtroom. |
| 2:10 pm | Mr. Morisseau called DAVID GARROD by Video Deposition. Video played. |
| | Mr. Morisseau called MIKHAIL LOTVIN by Video Deposition. Video played. |
| | Mr. Morisseau called DAVID BARROW to the witness stand. Witness sworn. |
| | Direct examination of Mr. Barrow by Mr. Morisseau. |
| 3:15 PM | Court in recess until 3:30 pm |
| 3:35 PM | Trial resumed. Jury seated in the courtroom. |
| | Mr. David Barrow on the witness stand. Direct examination of Mr. Barrow continued. |
| | Mr. Morisseau passed the witness. Cross examination of Mr Barrow by Mr. Stevenson. |
| | Mr. Stevenson passed the witness. Redirect examination of Mr. Barrow. |
| | Mr. Morisseau passed the witness. No further questions of this witness. |
| | Mr. Morisseau called ALEXEY KUZNETSOV by Video Deposition. Video played. |
| | Mr. Morisseau called AARON TURNER to the witness stand. Witness sworn by the Clerk. |
| | Direct examination of Mr. Turner. |
| | Mr. Morisseau passed the witness. |
| 5:10 pm | Court addressed the Jury and will recess them until Monday, May 9 at 12:00 noon. Jury excused from the courtroom. |
| 5:13 pm | Court addressed the parties regarding their times. Plaintiff has used 8 hours and 52 minutes and Defendant has used 8 hours and 24 minutes. |

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| TIME: | MINUTES: |
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| 5:15 pm | There being nothing further, Court adjourned. |