

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

TYLER DIVISION

DATE: February 7, 2012

JUDGE
LEONARD DAVIS

REPORTER: Judy Werlinger

LAW CLERKS: Allan Bullwinkel

EOLAS TECHNOLOGIES INCORPORATED, ET AL V ADOBE SYSTEMS INCORPORATED, ET AL	CIVIL ACTION NO: 6:09-CV-446 JURY SELECTION (TRIAL A)
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: 9:00 am

ADJOURN: 4:50 pm

TIME:	MINUTES:
9:00 am	Preliminary Proceedings: Pretrial matters taken up.
	Court addressed the parties on preliminary matters. Mike Jones responded. Mr. Jones called Michael Jay Collins to the witness stand. Witness sworn..
	Direct examination of Mr. Collins by Mike Jones. Mr. Jones asked for special exhibit # 1 to be offered and admitted by the Court. Mr. Jones asked for special exhibit # 2 to be offered and admitted by the Court. Court admitted special exhibit # 1 and 2 admitted for purposes of this hearing only.
	Mr. Jones passed the witness to Doug Cawley. Cross examination of witness by Mr. Cawley.
	Mr. Cawley addressed the Court on this hearing and reserve the right to raise this matter at a later time.

DAVID J. MALAND, CLERK

FILED: 2.7.2012

BY: *Amy Strother*, Courtroom Deputy

TIME:	MINUTES:
	Court addressed Ms. Doan's objections to exhibits. Sonal Mehta presented argument. Josh Budwin responded. Ms. Mehta replied. Mr. Budwin responded. Court SUSTAINED objection. Ms. Mehta presented objection on 403 issue and witnesses. Mr. Campbell responded. Ms. Mehta replied. Ms. Mehta offered a partial transcript to Court for review on a witness testimony. Mr. Campbell responded. Ms. Mehta replied. Court will allow the transcript on page 146 line 20 -5 to the end of sentence with "discussion". Court SUSTAINED objection on page 146 lines 5 through 14. Court allowed page 148 line 04 and SUSTAINED objection through line 10.
	Ed Reines addressed the Court on the W3C issue. Defendant's are objecting to Plaintiff's exhibits: 27, 33, 34, 35, 37, 49, 62, 461, 462, 463, 465, 466, 467, 469, 470, and 471. Court asked for Defendant's to tender exhibits. Mr. McKool responded. Objections are OVERRULED.
9:35 am	Court asked for the Jury. Jury entered and seated in the courtroom.
	Court addressed the Jury and welcomed them back and apologized for the delay this morning.
	Ms. Doan called Tim Berners-Lee to the witness stand. Witness sworn.
	Direct examination of Mr. Berners-Lee by Ms. Doan.
	Ms. Doan passed the witness. Cross examination of witness by Mike McKool. Mr. McKool asked for exhibit PX427 to be admitted. Ms. Doan asked to approach the bench.
	Bench conference held.
	Cross examination of witness by Mr. McKool continued. Mr. McKool asked for Exhibit PX427 to be admitted, and without objection, exhibit admitted. Mr. McKool asked for Exhibit PX472 to be admitted, and without objection, exhibit admitted. Mr. McKool asked for Exhibit PX414 to be admitted, and without objection, exhibit admitted. Mr. McKool asked for Exhibit PX457 to be admitted, and with objection by Ms. Doan, exhibit admitted. Court OVERRULED objection. Mr. McKool asked for Exhibit PX 470 to be admitted, and with objection by Ms. Doan, exhibit admitted. Court OVERRULED objection.
	Mr. McKool passed the witness. Redirect examination of witness by Ms. Doan.
	Ms. Doan passed the witness. Re-cross examination of witness by Mr. McKool.
10:45 am	Court in recess until 11:00am.
11:06 am	Trial resumed. Jury seated in the courtroom.
	Doug Lumish asked for Mr. Berner-Lee to be excused. Court excused witness. Mr. Cawley asked to approach the bench.
	Bench conference held.
	Doug Lumish called Dave Raggett to the witness stand. Witness previously sworn.
	Direct examination of Mr. Raggett by Mr. Lumish.

TIME:	MINUTES:
	Mr. Lumish passed the witness. Cross examination of witness by Kevin Burgess (Counsel identified this document as Plaintiff's exhibits #476 at the end of the day, see below) admitted, no objection
	Mr. Burgess passed the witness. Redirect examination of witness by Doug Lumish.
	Doug Lumish asked for Dave Raggett to be excused. Court excused witness.
	Jennifer Doan called Scott Silvey to the witness stand. Witness previously sworn.
	Direct examination of Mr. Silvey by Ms. Doan. Mr. Budwin asked to approach the bench.
	Bench conference held.
12:07 pm	Court addressed jury and excused them for lunch and to return at 12:50pm.
	Jury not present. Cross examination of Mr. Silvey by Mr. Budwin.
	Redirect examination of witness by Ms. Doan. Objection of videos by Mr. Budwin. Court SUSTAINED objection.
	Re-cross of witness by Mr. Budwin regarding Defendant's videos 13 and 14.
	Redirect examination of witness by Ms. Doan.
	Mr. Budwin addressed the Court on his objection to videos for demonstrative purposes. Ms. Doan responded. Court SUSTAINS judgment.
12:28 pm	Court in recess until 1:00 pm
12:59 pm	Trial resumed. Jury seated in the courtroom
	Redirect examination of Mr. Silvey by Ms. Doan continued. Mr. Budwin asked to approach the bench.
	Bench conference held.
	Redirect examination of witness by Ms. Doan continued. Ms. Doan offered Exhibits JDX291 and JDX293. Mr Budwin asked to approach the bench.
	Bench conference held.
	Redirect examination of witness by Ms. Doan continued. Ms. Doan offered Defendant's Exhibits 291, 293, 290, 292, 295 and 277, and with no objections, exhibits admitted. Ms. Doan offered Defendant's Exhibit 278, with objections by Mr. Budwin. Court OVERRULED objection. Ms. Doan passed the witness. Mr. Budwin asked to approach the bench.
	Bench conference held.
	Cross examination of witness by Mr. Budwin.
	Redirect examination of witness by Ms. Doan. Ms. Doan asked to approach the bench.
	Bench conference held.

TIME:	MINUTES:
2:02 pm	Court in recess for 10 minutes.
2:18 pm	Trial resumed. Jury seated in the courtroom.
	Ms. Doan called Pei-Yuan “Perry” Wei to the witness stand. Witness previously sworn.
	Direct examination of Mr. Wei by Ms. Doan. Ms. Doan offered Defendant’s exhibits 272, 274, 276, and JDX258, and with no objections, exhibits are admitted.
2:33 pm	Court in recess for 10 minutes.
2:38 pm	Trial resumed. Jury seated in the courtroom.
	Direct examination of Mr. Wei by Ms. Doan continued. Ms. Doan offered Defendant’s exhibit JDX286, and with no objections, exhibit is admitted. Ms. Doan offered Defendant’s exhibit #265. Mr. Budwin asked to approach.
	Bench conference held.
	Direct examination of Mr. Wei by Ms. Doan continued.
	Ms. Doan passed the witness. Cross examination of witness by Doug Cawley. Ms. Doan asked to approach the bench.
	Bench conference held.
	Cross examination of witness by Doug Cawley continued. Ms. Doan asked to approach the bench.
	Bench conference held.
	Cross examination of witness by Doug Cawley continued.
	Redirect examination of witness by Jennifer Doan..
	Ms. Doan passed the witness. Re-cross examination of witness by Doug Cawley.
	Ms. Doan asked for the witness to be excused.
	Ms. Doan proceeds with a video deposition of Carl Jacobs. Court inquired to amount of time of video and examinations by parties.
	Court addressed the jury as to video depositions.
	Video Deposition of Carl Jacobs played for jurors by Jennifer Doan. Mr. Lumish asked for Mr. Wei to be excused. Court excused the witness.
	Matt Rappaport asked to read transcript. Mr. Budwin asked to approach the bench.
	Bench conference held
	Matt Rappaport read transcript of James Kempf.
	Jason Wolff called Dan Sadowski to the witness stand. Witness sworn.
	Direct examination of Mr. Sadowski by Mr. Wolff.

TIME:	MINUTES:
	Mr. Wolff passed the witness. Mr. Wolff asked for Exhibit 184 be admitted, and without objection, exhibit admitted. Cross examination of witness by Josh Budwin.
	Mr. Budwin passed the witness. Redirect examination of witness by Mr. Wolff.
4:47 pm	Court addressed the jury and will excuse them for the evening. Court reminded the Jury of its instructions and to return at 9:00 am.
	Mr. Wolff asked for Mr. Sadowski to be excused. Witness excused.
	Court gave the parties their times. Plaintiff has used 3 hours and 38 minutes and Defendants have used 5 hours and 5 minutes. Court reminded parties to submit their exhibit and witness lists. Mr. Burgess clarified exhibit from the morning session as re-offered Plaintiff's exhibit #476.
4:50 pm	There being nothing further, Court is adjourned for the day.