

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

TYLER DIVISION

DATE: February 9, 2012

JUDGE
LEONARD DAVIS

REPORTER: Judy Werlinger

LAW CLERKS: Allan Bullwinkel

EOLAS TECHNOLOGIES INCORPORATED, ET AL	CIVIL ACTION NO: 6:09-CV-446
V	JURY SELECTION (TRIAL A)
ADOBE SYSTEMS INCORPORATED, ET AL	
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: 8:45 am

ADJOURN: 3:00 pm

TIME:	MINUTES:
8:45 am	Preliminary Proceedings: Pretrial matters taken up.
	Court advised parties have revised charge. Mr. Cawley stated he had a matter outside the jury
	Ed Reines addressed the Court and reurged his objections from yesterday. Ms. Doan addressed the Court regarding Defendant's Exhibit #500 as an Offer of Proof. Mr. Budwin responded. Court SUSTAINED objection. Ms. Doan addressed the Court on inadvertently omitted Exhibits 245, 246, 254 and 261 and offered them at this time. Mr. Budwin responded. Court SUSTAINED objection. Ms. Doan asked the Court to reopen evidence for exhibits to be admitted.
	Ms. Doan tendered to the Court Exhibits 245, 246, 254, and 261 as an Offer of Proof. Court advised these exhibits are not to go before jury.
	Mr Cawley addressed the Court on Motion in Limine. Mr. Lumish responded. Ms. Doan responded.

DAVID J. MALAND, CLERK

FILED: 2.9.2012

BY: *Amy Strother*, Courtroom Deputy

TIME:	MINUTES:
8:48am	Court in recess until 9:00am.
9:00 am	Trial resumed. Jury not present.
	Ms. Doan addressed the Court on Defendant's Exhibits 1340 and 1342 as an Offer of Proof. Ms. Doan asked for leave to file these additional exhibits due to their volume. Court will accept Offer of Proof.
	Court addressed the parties on improper contact with jurors.
	Court asked for the Jury to be brought in. Jury seated in courtroom.
	Court addressed the jury and welcomed them back. Court gave them its' instructions (Charge read). Court advised that each side has 40 minutes for closing arguments.
9:50 am	Court in recess until 10:10am
10:15 am	Trial resumed. Jury seated in the courtroom.
	Court advised for closing arguments.
	Doug Lumish presented closing arguments on behalf of Defendant's.
****	Mr. Cawley and Mr. McKool presented closing argument on behalf of Plaintiffs.
	Ms. Doan presented rebuttal argument on behalf of the Defendants.
	Court addressed the Jury and gave them some further brief instructions. Court excused the Jury to commence their deliberations.
	Court advised parties to remain in the courtroom until Court receives word from Jury as to lunch
11:40 am	Court in recess
11:45 am	Court back in session. Jury is eating lunch and take a walk in 30 min then will start to deliberate. Court addressed the parties regarding the jury and their service.
	There being nothing further from the parties, the Court in recess awaiting the Jury's verdict.
1:30 pm	Jury not present. Court advised parties that the Court has received Jury Note #5 (but really 1 st note other than one to take a walk). Court advised parties of the Court's response. Court and parties discussed
1:40 pm	Court in recess
1:50 pm	Court advised parties that jurors could not open file. Mr. McKool Responded. Mr. Lumish responded. Court asked if there were suggestions. Mr. Reines responded. Court advised parties they could look at the compressed file.
1:53 pm	Court in recess

TIME:	MINUTES:
2:45 pm	Court advised parties the files have been unzipped and source code is viewable by the jurors and to have law clerk go back in and give jury a brief explanation on how to view it. Mr. Budwin responded. Mr. Reines responded. Mr. Budwin replied. Mr. Reines responded. Court advised parties that he will send response back to jurors stating they can now view the cd. Mr. Budwin responded. Mr. Reines responded.
2:55 pm	Jury advised that Verdict has been reached.
	Court asked for the Jury to be brought in.
	Jury entered and seated in the courtroom. Court addressed Jury and inquired if they have reached a verdict. Jury foreperson responded. Verdict form tendered to the Court. Court asked Clerk to read the verdict. Verdict read. Court inquired if any side wished to poll the jury. None requested.
	Court thanked the jury for their service. Court addressed the Jury and gave them some further instructions. Court excused the Jury to the Jury room where someone would be there to excuse them.
3:00 pm	Jury released.
	Court advised parties regarding post verdict briefing
3:00 pm	There being nothing further, Court is adjourned.