

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

DATE: July 9, 2013

LEONARD DAVIS
Judge Presiding

Law Clerk: Josue Caballero
Chief Staff Attorney: Nicole Mitchell

Court Reporter: Shea Sloan & Judy Werlinger
Judicial Assistant: Carrie King

WI-LAN, INC. V. ALCATEL-LUCENT USA, INC., ET AL.	CIVIL ACTION NO: 6:10cv521 JURY TRIAL – DAY 2
WI-LAN, INC. V. HTC CORPORATION, ET AL.	CIVIL ACTION NO: 6:13cv252 JURY TRIAL – DAY 2
ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 8:45 AM

ADJOURN: 5:03 PM

TIME:	MINUTES:
8:45 AM	HEARING OUTSIDE THE PRESENCE OF THE JURY.
	Docket No. 435 – Defendants’ Sealed Motion to Exclude the Supplemental Report and Testimony of John Jarosz. Jeanne Hefferman made arguments for Defendants. David Weaver for Plaintiff requested to seal the Courtroom.
9:00 AM	COURTROOM SEALED. Ms. Hefferman resumed arguments. Gwen Samora made arguments for Plaintiff. Ms. Hefferman responded. Ms. Samora responded. Ms. Hefferman responded.
9:17 AM	COURTROOM UNSEALED. Ms. Hefferman resumed response. Wesley Hill responded for Plaintiff. Court will strike only that portion of the supplemental report that relies on an apportionment theory based on litigation expense. Ms. Hefferman responded. 20 minutes charged to Plaintiff.
9:21 AM	Jury Panel seated in Courtroom.

TIME:	MINUTES:
	Steve Borgman for Plaintiff resumed direct examination of JONATHAN WELLS. Mr. Borgman passed the witness.
10:25 AM	Jury Panel excused for morning break. Court in recess.
10:43 AM	Trial resumed. Jury Panel seated in Courtroom.
	Cross examination of JONATHAN WELLS by Greg Arovas for Defendants.
	Objection by Mr. Borgman. Overruled. Mr. Arovas responded. Cross examination resumed.
	Objection by Mr. Borgman. Mr. Arovas responded. Overruled but testimony limited. Cross examination resumed.
	Objection by Mr. Borgman. Bench conference held. Cross examination resumed.
	Mr. Borgman requested to approach the bench. Bench conference held. Cross examination resumed.
	Mr. Arovas passed the witness. Court inquired regarding length of redirect. Mr. Borgman responded.
12:02 PM	Jury excused for lunch. Court in recess.
12:45 PM	Trial resumed. Jury Panel seated in Courtroom.
	Redirect of JONATHAN WELLS Mr. Borgman.
	Mr. Borgman passed the witness. Recross examination by Mr. Arovas.
	Mr. Arovas passed the witness. No further redirect by Mr. Borgman.
	Court instructed the jury to submit their witness questions. No questions from the jury.
	Mr. Weaver will call DAVID BRANDT by video deposition. Video Deposition of DAVID BRANDT played for the Jury. (14 Minutes – Plaintiff; 4 Minutes – Defendants).
	Mr. Weaver will call MARTIN LYSEJKO by video deposition. Video Deposition of MARTIN LYSEJKO played for the Jury. (2 Minutes – Plaintiff).
	Mr. Weaver will call WILLIAM ZUCKER by video deposition. Video Deposition of WILLIAM ZUCKER played for the Jury. (6 Minutes – Plaintiff; 1 Minute – Defendants).
	Mr. Weaver will call MARCIA MARKOVICH by video deposition. Video Deposition of MARCIA MARKOVICH played for the Jury. (2 Minutes – Plaintiff).
	Mr. Weaver will call FREDRIK GESSLER by video deposition. Video Deposition of FREDRIK GESSLER played for the Jury. (3 Minutes – Plaintiff; 1 Minute – Defendants).
	Mr. Weaver will call JAN DERKSEN by video deposition. Video Deposition of JAN DERKSEN played for the Jury. (6 Minutes – Plaintiff; 1 Minute – Defendants).
	Mr. Weaver will call TIMOTHY HERNQUIST by video deposition. Video Deposition of TIMOTHY HERNQUIST played for the Jury. (7 Minutes – Plaintiff; 2 Minutes – Defendants).
	Mr. Weaver will call STEPHEN SNEEDEN by video deposition. Video Deposition of STEPHEN SNEEDEN played for the Jury. (4 Minutes – Plaintiff; 2 Minutes – Defendants).
	Mr. Weaver will call MATTHEW HODULIK by video deposition. Video Deposition of MATTHEW HODULIK played for the Jury. (3 Minutes – Plaintiff; 2 Minutes – Defendants).
	Mr. Weaver will call LYNN YU by video deposition. Video Deposition of LYNN YU played for the Jury. (3 Minutes – Plaintiff).
	Mr. Hill for Plaintiffs will call ANDREW PAROLIN to the witness stand but advised there is an issue that needs to be addressed outside the presence of the jury prior to his testimony.

TIME:	MINUTES:
2:06 PM	Jury Panel excused.
	HEARING OUTSIDE THE PRESENCE OF THE JURY.
	Mr. Hill advised that Defendants object to some of Plaintiff's exhibits. Mr. Jones responded that Defendants object to Plaintiff's Exhibits 157, 159, 162, 163, and 166-170. Mr. Jones made objections. Mr. Hill responded. Objection overruled but Defendants may have a running objection during the testimony.
2:14 PM	Court in recess.
2:26 PM	Jury Panel seated in Courtroom. Trial resumed.
	Mr. Hill offered Plaintiff's Exhibits 17, 122R, 187, 196, 200, 214, 219 and 220. List tendered and admitted as Plaintiff's Exhibit List #2. Mr. Jones offered Defendant's Pre-Admitted Exhibit List dated July 9, 2013. List admitted as Defendants' Exhibit List #2.
	Mr. Hill called ANDREW PAROLIN to the witness stand. Witness previously sworn. Direct examination of ANDREW PAROLIN by Mr. Hill.
	Mr. Hill offered Plaintiff's Exhibits 157, 159, 162, 163, and 166-170. Exhibits admitted subject to previous objection.
	Mr. Hill resumed direct examination.
	Mr. Hill passed the witness. Cross examination by Mr. Jones.
	Mr. Jones passed the witness. Additional cross examination by Richard Wynne for Defendant Sony.
	Mr. Hill requested to approach the bench. Bench conference held. Cross examination resumed.
	Mr. Wynne passed the witness. Redirect examination by Mr. Hill.
	Mr. Hill requested to approach the bench. Bench conference held. Redirect examination resumed.
	Mr. Hill passed the witness. Recross examination by Mr. Jones.
	Mr. Jones passed the witness. Additional recross examination by Mr. Wynne.
	Mr. Wynne passed the witness. Additional recross examination by Eric Findlay for Defendant HTC.
	Mr. Findlay passed the witness. Redirect examination by Mr. Hill.
	Mr. Hill passed the witness. Recross examination by Mr. Jones.
	Mr. Jones passed the witness. Nothing further from Mr. Hill.
	Court instructed the jury to submit their witness questions. Questions received.
4:46 PM	Jury Panel excused for break.
	Court read the first jury question to the parties. No objection from Mr. Hill. Mr. Jones objected. Objection sustained.
	Court read the second jury question to the parties. No objection from Mr. Hill or Mr. Jones.
	Court read the third jury question to the parties. No objection from Mr. Hill or Mr. Jones.
	Court read the fourth jury question to the parties. No objection from Mr. Hill. Mr. Jones objected. Objection sustained.
	Court read the fifth jury question which was marked through as previously answered.
	Court read the sixth jury question to the parties. Mr. Weaver and Mr. Jones objected. Objection sustained.

TIME:	MINUTES:
4:54 PM	Jury Panel seated in Courtroom.
	Court read the second jury question to witness ANDREW PAROLIN. Witness responded.
	Court read the third jury question to the witness. Witness responded.
	Redirect by Mr. Hill.
	Mr. Hill passed the witness. No further questions.
	Court addressed the jury and gave some brief instructions.
4:58 PM	Jury excused for the day.
	Court addressed the parties and gave the parties their times: Plaintiff has used 7 hours 35 minutes; Defendants 3 hours 17 minutes. Court inquired if the parties would be able to use less time. The parties responded.
	Ms. Hefferman for Defendants addressed the Court regarding demonstrative exhibits for Plaintiff's expert John Jarosz. Mr. Weaver responded. Court advised the parties.
5:03 PM	There being nothing further, Court adjourned for the day.