

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

DATE: July 10, 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 3
WI-LAN, INC. V. HTC CORPORATION, ET AL.	CIVIL ACTION NO: 6:13cv252 JURY TRIAL – DAY 3
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: 8:50 AM

ADJOURN: 5:40 PM

TIME:	MINUTES:
8:50 AM	Trial resumed.
	HEARING OUTSIDE THE PRESENCE OF THE JURY
	Eric Findlay for Defendant HTC made objections to demonstrative exhibits to be used during Jarosz testimony. Mr. Findlay made objection to slide 3. Avelyn Ross responded for Plaintiff. Mr. Findlay responded. Court requested summary of witness testimony from Plaintiff. Ms. Ross responded. Objection overruled.
	Mr. Findlay made objection to slide 14. Requested running objection. Objection noted by the Court – Defendants may have a running objection. No objection from Plaintiff.
	Mr. Findlay made objections to slides 18-19. Objection overruled
	Mr. Findlay made objections to slides 23-24. Ms. Ross responded. Objection overruled. Mr. Findlay responded this would also apply to slide 26.
	Mr. Findlay made objections to slides 35 and 39. Ms. Ross responded. Jeanne Heffernan

TIME:	MINUTES:
	for Defendant Alcatel-Lucent responded. Mr. Ross responded. Ms. Heffernan responded. Objection overruled.
	No further objections from Defendants. Nothing further from Plaintiff.
9:06 AM	Jury Panel seated in courtroom.
	Court welcomed the jury.
	Ms. Ross called JOHN JAROSZ to the witness stand. Witness sworn. Direct examination of JOHN JAROSZ by Ms. Ross. Mr. Jarosz is tendered as an expert witness.
10:49 AM	Jury Panel excused for morning break. Court in recess.
11:06 AM	Trial resumed. Jury Panel seated in Courtroom.
	Ms. Ross resumed direct examination of JOHN JAROSZ.
	Ms. Ross passed the witness. Cross examination by Ms. Heffernan.
	Ms. Ross requested to approach the bench. Bench conference held. Cross examination resumed.
	Ms. Heffernan passed the witness. Cross examination by Mr. Findlay for Defendants Sony and HTC.
	Mr. Findlay passed the witness. Redirect examination by Ms. Ross.
	Ms. Ross passed the witness. Nothing further from Defendants.
	Court instructed the jury to turn in their witness questions. Questions received.
12:38 PM	Jury Panel excused for lunch.
	Court read the juror questions to the parties. All questions were marked through by the jurors as not to be answered.
10:40 PM	Court in recess.
1:12 PM	Trial resumed.
	David Weaver announced that Plaintiff is going to rest its case and has an Offer of Proof. Mr. Arrovas requested the opportunity to move for Judgments as a Matter of Law after Plaintiff closes. Court instructed Defendants to file JMOLs by 7:00 PM.
1:13 PM	Jury Panel seated in Courtroom. Court welcomed the jury.
	Court inquired if the parties have documents to offer. Wesley Hill offered Plaintiff's Exhibits 28 and 66. List tendered and admitted as Plaintiff's Exhibit List #3. Mike Jones offered Defendants' Pre-Admitted Exhibit List dated July 10, 2013. List admitted as Defendants' Exhibit List #3.
	Mr. Hill announced Plaintiff rests its case.
	Mr. Jones called JOSEPH TARALLO to the witness stand. Witness previously sworn. Direct examination of JOSEPH TARALLO by Mr. Jones.
	Mr. Jones passed the witness. Cross examination by Mr. Hill.
	Mr. Hill passed the witness. Redirect examination by Mr. Jones.
	Court requested counsel approach the bench. Bench conference held. Mr. Jones resumed redirect examination.
	Mr. Jones passed the witness. Recross by Mr. Hill.
	Mr. Hill passed the witness. Redirect by Mr. Jones.
	Mr. Jones passed the witness. Recross by Mr. Hill.

TIME:	MINUTES:
	Mr. Hill passed the witness. Nothing further from Mr. Jones.
	Court instructed the jurors to turn in their witness questions. Questions received.
2:34 PM	Jury excused for break.
	Court read the first jury question to the parties. No objection from the parties.
	Court read the second jury question to the parties. No objection from the parties.
	Mr. Jones requested to approach the bench. Bench conference held.
2:36 PM	Court in recess.
2:45 PM	Trial resumed. Jury Panel seated in Courtroom.
	Court read the first jury question to the witness. Witness responded.
	Court read the second jury question to the witness. Witness responded.
	No further questions from Mr. Jones. Redirect by Mr. Hill.
	Mr. Hill passed the witness. No further questions for the witness.
	Greg Arovas called SAID TATESH to the witness stand. Witness sworn. Direct examination of SAID TATESH by Mr. Arovas.
	Mr. Arovas passed the witness. Cross examination by Mr. Weaver.
	Mr. Weaver passed the witness. No further questions for the witness.
	Court instructed the jurors to turn in their witness questions. No questions received.
	Bill Cornelius called FREDRIK GESSLER to the witness stand. Witness previously sworn. Direct examination of FREDRIK GESSLER by Mr. Cornelius.
	Mr. Cornelius passed the witness. Direct examination by Ajeet Pai.
	Mr. Pai passed the witness. Redirect examination by Mr. Cornelius.
	Mr. Cornelius passed the witness. Recross by Mr. Pai.
	Court instructed the jurors to turn in their witness questions. No questions received.
	Mr. Arovas called STEPHEN WICKER to the witness stand. Witness previously sworn. Direct examination of STEPHEN WICKER by Robert Appleby.
5:30 PM	Court addressed the jury and gave some brief instructions. Trial will begin at 8:30 AM tomorrow.
5:31 PM	Jury excused for the day.
	Court addressed the parties and gave the parties their times: Plaintiff has used 10 hours 36 minutes; Defendants 7 hours 36 minutes.
	David Weaver requested to make offers of proof on Dr. Jarosz. Gwen Samora made 4 offers of proof. Requested to mark original report, two deposition excerpts, and supplemental report as exhibits for the Court only. No objections from Defendant subject to reviewing the documents. Exhibits will be marked Plaintiff's Offer of Proof Exhibits for Court Only 1-4. Plaintiff is taxed an additional 4 minutes of time.
5:40 PM	There being nothing further, Court adjourned for the day.