

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

DATE: July 12, 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.	CIVIL ACTION NO: 6:10cv521 JURY TRIAL – DAY 5
V.	
ALCATEL-LUCENT USA, INC., ET AL.	
WI-LAN, INC.	CIVIL ACTION NO: 6:13cv252 JURY TRIAL – DAY 5
V.	
HTC CORPORATION, ET AL.	
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: 9:01 AM

ADJOURN: 2:05 PM

TIME:	MINUTES:
9:01 AM	Trial resumed.
	HEARING OUTSIDE THE PRESENCE OF THE JURY.
	Mr. Hill announced Plaintiff has objection to Defendants' slides for next witness. Mr. Borgman for Plaintiff made objection to slides. Mr. Appleby responded for Defendants. Mr. Borgman responded. Objection resolved. Mr. Borgman stated Defendants may have objection to Plaintiff's rebuttal slides. Mr. Appleby responded that those objections have been resolved.
9:06 AM	Jury Panel seated in Courtroom. Court welcomed the jury.
	Mr. Arovas called MARTIN LYSEJKO by video deposition. Video Deposition of MARTIN LYSEJKO played for the Jury. (5 Minutes – Defendants).
	Mr. Appleby called MARK LANNING to the witness stand. Direct examination of MARK LANNING by Mr. Appleby.
	Mr. Borgman requested to approach the bench. Bench conference held. Mr. Appleby

TIME:	MINUTES:
	resumed direct examination.
	Mr. Borgman requested to approach the bench. Bench conference held. Mr. Appleby resumed direct examination.
	Mr. Appleby passed the witness. Cross examination by Mr. Borgman.
	Mr. Borgman passed the witness. Redirect by Mr. Appleby.
	Mr. Appleby passed the witness. Recross by Mr. Borgman.
	Mr. Borgman passed the witness. No further questions.
	Court instructed the jurors to turn in their witness questions. Questions received.
	Court requested the parties approach the bench. Bench conference held.
	Court read the juror question to the witness. Witness responded.
	Redirect by Mr. Appleby. No further questions.
	Court gave instructions to the Jury Panel.
11:00 AM	Jury excused for lunch. Court in recess.
12:09 AM	Trial resumed.
	Court discussed remaining proceedings with the parties and distributed proposed jury charge. Motions for JMOL will need to be filed by 7:00 PM tonight.
12:10 AM	Jury Panel seated in Courtroom.
	Mr. Jones submitted Defendants' Exhibit List #4. Mr. Hill requested to approach the bench. Bench conference held. With the deletion of Exhibit #131, Defendants' Exhibit List #4 is admitted without objection. Mr. Hill submitted Plaintiff's Exhibit List #4. Admitted without objection.
	Mr. Arovas announced that Defendants rest their case. Court inquired if Plaintiff has rebuttal evidence.
	Mr. Hill called JONATHAN WELLS to the witness stand. Direct examination of JONATHAN WELLS by Mr. Borgman.
	Mr. Borgman passed the witness. Cross examination by Mr. Appleby.
	Mr. Appleby passed the witness. Redirect by Mr. Borgman.
	Mr. Borgman passed the witness. Recross by Mr. Appleby.
	Mr. Appleby passed the witness. No further questions.
	Court instructed the jurors to turn in their witness questions. No questions received.
	Plaintiff rests. Nothing further from Defendants.
	Court addressed the jury and gave instructions.
1:21 PM	Jury Panel excused for the day.
	Court addressed the parties and gave the parties their times: Plaintiff has used 13 hours 55 minutes; Defendants 14 hours 58 minutes.
	Mr. Arovas addressed the Court regarding renewed motions for JMOL. Mr. Hill addressed the Court regarding responses to motions for JMOL. Court will allow parties to file additional briefing by 7:00 PM and Plaintiff may stand on its previous responses.
	Court will hear objections to charge after a brief recess.

TIME:	MINUTES:
1:23 PM	Court in recess.
1:36 PM	Trial resumed.
	Objections to the Charge taken up.
	Court inquired regarding time for closing arguments. Court and parties discussed.
	Mr. Hill addressed the Court regarding Plaintiff's offer of proof. Requested to submit fifth offer of proof exhibit. No objection from Defendants. Exhibit admitted.
	Court advised the parties that there was one juror question submitted for the last witness, but it was marked through and the Court is not able to read it.
2:05 PM	There being nothing further, Court adjourned for the day.