

UNITED STATES DISTRICT COURT

FILED

EASTERN DISTRICT OF TEXAS

M. 5-12-2008
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT

DIVISION: Lufkin

DATE: By May 12, 2008 DEPUTY

DISTRICT JUDGE: Ron Clark

TIME: 10:35 am

Anascape, Ltd.

CT RPTR: Chris Bickham

CTRM DEPUTY: Debbie Haschke

plaintiff(s)

CASE NO.: 9:06cv158

vs

Nintendo of America, Inc.

JURY TRIAL MINUTES
DAY FIVE

defendant(s)

ATTORNEYS FOR PLAINTIFF(S): Doug Cawley, Anthony Garza, Steve Callahan, Jason Cassidy, Robert Parker,

ATTORNEYS FOR DEFENDANT(S): Bob Gunther, Joe Presta, Larry Germer,

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING PROCEEDINGS

WERE: 8:32 am Court resumed. Court takes up issues on exhibits. 8:58 am Jury brought in and Direct continued of witness Robert Dezmelyk. 9:56 am Plaintiff objects as prototypes are not in expert reports and Court overrules objections. 10:00 am Court recessed for break. 10:16 am Court resumed and jury brought in. 11:12 am Court recessed for a break. 11:28 am Court resumed and jury brought in. Direct continued of witness by defendant. 12:15 pm Court recessed for lunch. 1:26 pm Court resumed and jury brought in. Direct continued. 2:13 pm Court recessed for a break. 2:27 pm Court resumed and jury brought in. 2:31 pm Plaintiff objects that there is nothing in expert report re accelerometer and Court overrules objection. 2:35 pm Witness shows explains how the accelerometer works on easel. 3:06 pm Witness passed and Cross by plaintiff began. 3:32 pm Court recessed for a break. 3:47 pm Court resumed and jury brought in. Cross continued of witness by plaintiff. 4:40 pm Witness passed and Re-Direct by Defendant began. 5:00 pm Witness passed and Re-Cross by Plaintiff began. Court gives 45 minutes per side for closing. 5:11 pm Court is in recess until 6:00 pm. Court and attorney's worked on jury charge until 8:00 pm.

TIME IN COURT 6 HOURS 25 MINUTES

322

Debbie Haschke
Debbie Haschke
Deputy Clerk