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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA)	C-11-01846 LHK
CORPORATION,)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	JULY 30, 2012
VS.)	
)	VOLUME 1
SAMSUNG ELECTRONICS CO.,)	
LTD., A KOREAN BUSINESS)	PAGES 1-282
ENTITY; SAMSUNG)	
ELECTRONICS AMERICA,)	
INC., A NEW YORK)	
CORPORATION; SAMSUNG)	
TELECOMMUNICATIONS)	
AMERICA, LLC, A DELAWARE)	
LIMITED LIABILITY)	
COMPANY,)	
)	
DEFENDANTS.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

1 A P P E A R A N C E S :

2 FOR PLAINTIFF MORRISON & FOERSTER
APPLE: BY: HAROLD J. MCELHINNY
3 MICHAEL A. JACOBS
 RACHEL KREVANS
4 425 MARKET STREET
 SAN FRANCISCO, CALIFORNIA 94105

5
6 FOR COUNTERCLAIMANT WILMER, CUTLER, PICKERING,
APPLE: HALE AND DORR
7 BY: WILLIAM F. LEE
 60 STATE STREET
8 BOSTON, MASSACHUSETTS 02109

9 BY: MARK D. SELWYN
10 950 PAGE MILL ROAD
 PALO ALTO, CALIFORNIA 94304

11 FOR THE DEFENDANT: QUINN, EMANUEL, URQUHART,
 OLIVER & HEDGES
12 BY: CHARLES K. VERHOEVEN
 50 CALIFORNIA STREET, 22ND FLOOR
13 SAN FRANCISCO, CALIFORNIA 94111

14 BY: VICTORIA F. MAROULIS
 KEVIN P.B. JOHNSON
15 555 TWIN DOLPHIN DRIVE
 SUITE 560
16 REDWOOD SHORES, CALIFORNIA 94065

17 BY: MICHAEL T. ZELLER
 WILLIAM C. PRICE
18 865 SOUTH FIGUEROA STREET
 10TH FLOOR
19 LOS ANGELES, CALIFORNIA 90017

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1 SAN JOSE, CALIFORNIA

JULY 30, 2012

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENED AND THE
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE COURT: DID THE ATTORNEYS BRING THE
6 TRIAL DATE SHEET? DO YOU HAVE THAT? YOU WERE ALSO
7 GOING TO BRING 34 COPIES OF THE WITNESS LIST AND
8 LAWYERS.

9 THE CLERK: I HAVE THAT.

10 THE COURT: CAN I JUST TAKE A QUICK LOOK
11 AT THAT, AND MAYBE WE CAN HAVE THOMAS PUT IT ON THE
12 CHAIRS.

13 (PAUSE IN PROCEEDINGS.)

14 THE COURT: DID YOU ALL BRING THE COPIES
15 OF THE PRELIMINARY JURY INSTRUCTIONS THAT WE'D
16 ASKED FOR FOR THE JURY NOTEBOOKS?

17 (PAUSE IN PROCEEDINGS.)

18 MR. JACOBS: YOUR HONOR, ON THE TOPIC OF
19 THE JUROR NOTEBOOKS.

20 THE COURT: YES.

21 MR. JACOBS: WOULD YOU BE INTERESTED IN
22 HAVING THE DESIGN PATENT CLAIM CONSTRUCTION ORDER
23 DISTILLED IN A SIMILAR WAY AS THE UTILITY PATENT
24 CLAIM CONSTRUCTION ORDER INCLUDED IN THE BINDER?

25 THE COURT: YES.

1 IS THERE ANY OBJECTION TO THAT?

2 MR. ZELLER: YES, YOUR HONOR, WE DO
3 OBJECT.

4 THE COURT WILL RECALL THAT THE CLAIM
5 CONSTRUCTION ORDER OF THE COURT IS ESSENTIALLY
6 TENTATIVE BECAUSE CERTAIN ISSUES AND CERTAIN
7 FUNCTIONALITY HAVE BEEN DEFERRED, SO WE DON'T THINK
8 IT WOULD BE APPROPRIATE TO INCLUDE A SIMILAR CHART
9 OR SUMMARY OF THE CLAIM CONSTRUCTION AT THIS
10 JUNCTURE BECAUSE IT MAY LEAD TO CONFUSION. IT MAY
11 BE CHANGED.

12 IT IS NOT A FINAL ORDER, AS THE COURT IS
13 AWARE, AND THAT IS THE REASON WHY WE DO NOT AGREE
14 WITH APPLE THAT IT SHOULD BE SUBMITTED TO THE
15 JURORS AT THIS TIME.

16 THE COURT: WELL, IT'S COMPLETE EXCEPT AS
17 TO FUNCTION AND THE FUNCTION OF THE LAYER. BUT THE
18 OTHER THINGS I'VE DECIDED ARE FINAL.

19 MR. ZELLER: BUT THE JURORS WILL NOT KNOW
20 THAT THERE WILL BE FURTHER, POTENTIALLY,
21 LIMITATIONS THAT THE COURT WILL INSTRUCT THEM ON AT
22 THE END, AND THEY WILL, MEANWHILE, FOR THE WEEKS
23 THAT THE TRIAL GOES ON, WILL ACTUALLY HAVE A BINDER
24 WHERE THEY'LL BE LOOKING AT THOSE CONSTRUCTIONS AND
25 THEY ARE NECESSARILY INCOMPLETE.

1 SO WE DO NOT BELIEVE THAT THAT BELL CAN
2 BE UNRUNG AT THE END OF THE TRIAL.

3 AND OF COURSE, YOUR HONOR, IT WILL BE
4 PROVIDED TO THE JURORS AT THE END IN A PROPER AND
5 COMPLETE FORM.

6 THE COURT: WELL, LET'S GO AHEAD AND CALL
7 THE CASE AND SEE WHO'S HERE.

8 THE CLERK: CALLING CASE NUMBER
9 C-11-01846 LHK, APPLE INCORPORATED VERSUS SAMSUNG
10 ELECTRONICS, COMPANY, LIMITED, ET AL.

11 MR. MCELHINNY: GOOD MORNING, YOUR HONOR.
12 HAROLD MCELHINNY AND MICHAEL JACOBS AT COUNSEL
13 TABLE FOR APPLE FROM MORRISON & FORESTER.

14 MR. LEE: GOOD MORNING. BILL LEE FROM
15 WILMER, HALE AT COUNSEL TABLE FOR APPLE.

16 MR. VERHOEVEN: GOOD MORNING, YOUR HONOR.
17 CHARLES VERHOEVEN. WITH ME IS BILL PRICE,
18 KEVIN JOHNSON, MIKE ZELLER AND VICTORIA MAROULIS
19 AND WE'RE REPRESENTING THE DEFENDANT SAMSUNG.

20 THE COURT: OKAY. GOOD MORNING.

21 DO YOU WANT TO BE HEARD ON THE DESIGN
22 CLAIM CONSTRUCTION ISSUE, MR. JACOBS?

23 MR. JACOBS: YES, YOUR HONOR. THE DESIGN
24 PATENT CLAIM CONSTRUCTION IS VERY CLEAR ON THE
25 POINTS THAT IT ADDRESSES, AND THIS READING OF

1 DESIGN PATENTS IS, OF COURSE, A BIT OF TECHNICAL
2 EXERCISE. SO WE THINK IT WOULD BE QUITE HELPFUL TO
3 THE JURY TO BE ABLE TO SEE THE COURT'S CONSTRUCTION
4 OF THE VARIOUS LINES AND THE POINTS THE COURT HAS
5 ADDRESSED ALREADY.

6 ANY INSTRUCTIONS THE JURY GETS IN THE WAY
7 OF PRELIMINARY INSTRUCTIONS, FOR EXAMPLE, ARE
8 PRELIMINARY. AS THE COURT SAID, THESE ARE NOT
9 FINAL AND THERE WILL BE MORE TO COME.

10 THERE WILL BE MORE TO COME ON HOW TO DEAL
11 WITH INFRINGEMENT ON THE UTILITY PATENTS AS WELL,
12 BUT THAT DOESN'T NEGATE OUR -- THE VALUE OF THIS
13 HARD WORKED THROUGH MATERIAL IN THE BINDERS NOW.

14 THE COURT: ALL RIGHT. THAT SHOULD BE
15 INCLUDED, BUT PLEASE SHOW THEM TO SAMSUNG AND GET
16 SOME AGREEMENT.

17 MR. JACOBS: ABSOLUTELY, YOUR HONOR.

18 THE COURT: OKAY. SO THE ISSUE I'D LIKE
19 TO RAISE FOR TODAY IS THAT WITH REGARD TO
20 SHIN NISHIBORI. I AGREE THAT SOME TESTIMONY SHOULD
21 COME IN. HE IS AN INVENTOR ON THREE OF THE DESIGN
22 PATENTS. I GUESS THE QUESTION IS, HOW CAN HIS
23 TESTIMONY STILL BE RELEVANT AND ADMISSIBLE, BUT NOT
24 GET INTO WHAT'S BEEN EXCLUDED?

25 SO LET ME HEAR A PROFFER FROM SAMSUNG AS

1 TO WHAT HIS TESTIMONY WILL BE.

2 MR. ZELLER: YOUR HONOR, MR. NISHIBORI
3 WILL TESTIFY THAT THE ONLY CONTRIBUTION HE MADE TO
4 THE DESIGNS THAT HE'S A NAMED INVENTOR ON IS THE
5 SONY-STYLE WORK. THAT IS ALL HE DID.

6 APPLE HAS TAKEN THE POSITION NOW THAT
7 IT'S IRRELEVANT AND HE DIDN'T ACTUALLY -- NONE OF
8 THAT WORK WAS USED.

9 IF THAT'S THE CASE, YOUR HONOR, OBVIOUSLY
10 HE'S NOT A PROPERLY NAMED INVENTOR.

11 AND THIS GOES TO THE CREDIBILITY OF THE
12 INVENTORS. IT GOES TO THE CREDIBILITY OF APPLE IN
13 THIS SCENARIO.

14 WE DO THINK THAT THE CAD DRAWING OUGHT TO
15 BE ADMITTED. WE BRIEFED THAT ISSUE, YOUR HONOR,
16 AND THAT IS PART OF --

17 THE COURT: JUDGE GREWAL'S RULED ON IT, I
18 RULED ON IT, I KNOW YOU FILED ANOTHER
19 RECONSIDERATION THIS MORNING, BUT THAT IS NOT GOING
20 TO CHANGE.

21 SO LET ME HEAR FROM YOU, WHAT CAN BE THE
22 SCOPE THAT'S RELEVANT AND ADMISSIBLE? HASN'T
23 ALREADY BEEN PRECLUDED BY TWO JUDICIAL ORDERS? AND
24 I'LL SEE IF THE SCOPE CAN COME IN.

25 MR. ZELLER: THE COURT IS NECESSARILY

1 EXCLUDING THE ENTIRETY OF MR. NISHIBORI'S TESTIMONY
2 BECAUSE THAT IS ALL HE DID IN CONNECTION WITH THE
3 IPHONE DESIGNS THAT HE IS A NAMED INVENTOR ON.

4 THE COURT: LET ME HEAR FROM APPLE.

5 YOU AGREE THAT THE MARCH 8TH, 2006 E-MAIL
6 FROM RICHARD HOWARTH TO JONATHAN -- IS IT IVE OR
7 IVE? -- IS IN.

8 SO WHY NOT THE VERY FIRST SENTENCE THAT'S
9 ALL ABOUT MR. NISHIBORI'S WORK ON THE SONY-STYLE?

10 MR. MCELHINNY: TO BE CLEAR, YOUR HONOR,
11 WE AGREE THAT THAT E-MAIL HAS MET ALL THE
12 EVIDENTIARY ITEMS. THERE'S NO EVIDENTIARY
13 OBJECTION TO IT.

14 WHETHER OR NOT -- HOW THEY TRY TO USE IT
15 AND WHO THEY TRY TO USE IT WITH AND WHETHER THERE'S
16 ANY RELEVANT ISSUE AT THE TIME, THAT OBJECTION IS
17 STILL RESERVED, YOUR HONOR.

18 AND THAT'S WHAT'S REALLY CRITICAL BECAUSE
19 THERE IS -- GIVEN JUDGE GREWAL'S ORDER, THIS IS THE
20 THAT ISSUE WE'VE BEEN TALKING ABOUT, THERE IS NO --
21 IT'S TWO THINGS.

22 ONE, THERE IS NO RELEVANT ISSUE. YOU
23 JUST ASKED MR. ZELLER WHAT IT'S RELEVANT TO AND HE
24 JUST TOLD YOU THAT IT'S TO AN INVALIDITY ISSUE FOR
25 INCORRECT NAMING OF THE INVENTORS.

1 THAT'S AN ENTIRELY NEW DEFENSE THAT'S
2 NEVER BEEN DISCLOSED BEFORE.

3 SO THE COMBINATION OF THE FACT THAT
4 THERE'S NO RELEVANCE, IT DOES NOT -- THEY TRIED TO
5 GET IT IN FROM DERIVATION. THEY CAN'T.

6 THEY'VE TRIED TO GET IT IN FOR NOW
7 INCORRECT INVENTORSHIP. THEY CAN'T. IT HAS
8 ABSOLUTELY NO RELEVANCE.

9 AND THE 403 ISSUES, GIVEN JUDGE GREWAL'S
10 ORDER, WHY IT'S IN THERE, WHAT IT COULD MEAN, WHAT
11 THE RELEVANCE OF IT IS GOING TO BE INCREDIBLY
12 CONFUSING TO THIS JURY.

13 THE COURT: I THINK THAT THERE COULD BE
14 A, A SCOPE THAT'S CARVED OUT THAT REBUTS APPLE'S
15 MAGICAL, REVOLUTIONARY STORY.

16 MR. VERHOEVEN: EXACTLY, YOUR HONOR.

17 THE COURT: BUT DO YOU SEE, IT'S GOING TO
18 BE CLOSE TO THE LINE BECAUSE THERE HAVE BEEN
19 RULINGS THAT IT'S NOT COMING IN FOR INVALIDITY. SO
20 IF THERE'S A WAY THAT YOU CAN CARVE OUT THE
21 SCOPE --

22 MR. VERHOEVEN: I WILL REPRESENT, YOUR
23 HONOR, WE WILL NOT ARGUE THAT THAT GOES TO
24 INVALIDITY.

25 THE SOLE PURPOSE FOR THIS IS TO SHOW THE

1 STORY OF HOW THE DESIGN TEAM CAME UP WITH THE
2 DESIGN AND IT'S PROBATIVE BECAUSE IT SHOWS, YOUR
3 HONOR, THAT COMPETITORS GET INSPIRED BY OTHERS.

4 AND WHAT WE HAVE HERE IS AN ALLEGATION
5 AGAINST MY CLIENT, YOUR HONOR, THAT WE'RE SLAVISHLY
6 COPYING -- OR SLAVISHLY COPYING, HOWEVER YOU
7 PRONOUNCE THAT, YOUR HONOR -- AND WE -- THERE'S TWO
8 THINGS THAT ARE IN THIS MOTION THAT WE FILED THIS
9 MORNING THAT ARE CRITICAL, I THINK, AND ONE GOES TO
10 THIS SHOWING THAT, IN FACT, JUST LIKE WE LOOK TO
11 COMPETITORS TO GET INSPIRED, SO DOES APPLE.

12 AND IN FACT, IN THE CREATION OF THE
13 INITIAL IPHONE, THE EVIDENCE IS GOING TO SHOW, YOUR
14 HONOR, THAT APPLE'S DESIGN TEAM STARTED OUT WITH A
15 FORM FACTOR THAT LOOKED LIKE THE OLD IPOD. THEY
16 CALLED IT THE EXTRUDED FORM FACTOR.

17 THE COURT: LET ME ASK YOU A QUESTION.
18 WOULD YOU BE ABLE TO -- I'D LIKE A PROFFER ON --
19 BECAUSE I DO THINK IT IS RELEVANT TO REBUT THE
20 CREATION STORY.

21 MR. VERHOEVEN: YES, YOUR HONOR.

22 THE COURT: AND I DON'T THINK IT'S
23 APPROPRIATE FOR APPLE TO BASICALLY HIDE AN INVENTOR
24 ON THREE OF THE DESIGN PATENTS.

25 SO I THINK IT SHOULD COME IN, BUT I DON'T

1 THINK IT SHOULD COME IN FOR ANY PURPOSES THAT HAVE
2 BEEN EXCLUDED BY JUDGE GREWAL AND BY ME.

3 SO IS THERE SOME WAY THAT YOU CAN MAKE A
4 PROFFER AND --

5 MR. VERHOEVEN: YES, YOUR HONOR.

6 THE COURT: I DON'T THINK WE'RE GOING TO
7 BE DOING OPENING ANY TIME THIS MORNING, SO IS THERE
8 SOME POINT PERHAPS THAT YOU CAN PUT TOGETHER A
9 PROFFER? I JUST DON'T WANT THERE TO BE OBJECTIONS
10 DURING OPENING.

11 MR. VERHOEVEN: WE CAN, YOUR HONOR. WE
12 CAN.

13 THIS IS VERY IMPORTANT TO US, YOUR HONOR,
14 SO WE -- I DON'T KNOW HOW LONG ALL THE PROCEEDINGS
15 ARE GOING TO TAKE THIS MORNING, SO I WOULD ASK FOR
16 ENOUGH TIME TO PUT IT TOGETHER.

17 BUT WE'D BE HAPPY TO DO THAT, YOUR HONOR,
18 AND YOU'LL SEE FOR YOURSELF THAT THIS IS JUST GOING
19 TO THE STORY OF HOW THEY CAME UP WITH THIS, WITH
20 THEIR DESIGN AND HOW THEY WERE INSPIRED BY ANOTHER
21 COMPANY.

22 THERE'S ANOTHER ISSUE IN THE RULINGS WE
23 GOT LATE LAST NIGHT, OR LATE LAST EVENING, YOUR
24 HONOR, THAT IS VERY, VERY CRITICAL TO US AND I
25 THINK FALLS INTO THE SAME CATEGORY.

1 MR. MCELHINNY: MAY I JUST BE HEARD?
2 BEFORE WE SWITCH TOPICS, MAY I BE HEARD BRIEFLY,
3 YOUR HONOR?

4 THE COURT: OKAY, GO AHEAD.

5 MR. MCELHINNY: THE QUESTION OF HOW APPLE
6 COMES UP WITH ITS DESIGNS CANNOT IN ANY WAY, SHAPE,
7 OR FORM BE RELEVANT TO THE QUESTION OF WHETHER OR
8 NOT SAMSUNG COPIED.

9 THERE IS NO LOGICAL CONNECTION BETWEEN
10 THAT IN ANY WAY, SHAPE, OR FORM WHATSOEVER.

11 THE QUESTION OF WHETHER IT'S
12 REVOLUTIONARY IS PRESENTED IN OUR CASE BY THE
13 JUDGMENTS OF EXTERNAL PEOPLE.

14 SO WE HAVE THE FACT THAT WHEN IT CAME
15 OUT, IT WAS RATED AS REVOLUTIONARY BY THESE OTHER
16 PEOPLE.

17 SO, AGAIN, THE QUESTION OF WHETHER
18 THERE'S ANY RELEVANCE TO THIS IS SOMETHING THAT WE
19 WOULD LIKE TO RESERVE UNTIL WE'VE ACTUALLY SEEN THE
20 PROFFER.

21 BUT -- BUT IF, IF WE LOSE THAT, IF YOU
22 LET IT IN, WE ARE GOING TO ASK THAT IT COMES IN
23 WITH A VERY SPECIFIC LIMITING INSTRUCTION ABOUT WHY
24 IT'S IN AND WHAT IT'S RELEVANT TO AND WHAT IT IS
25 NOT RELEVANT TO.

1 THE COURT: WELL, WHY DON'T YOU START
2 WORKING ON THAT NOW THEN?

3 MR. MCELHINNY: AND -- BUT -- WE WILL
4 ONCE WE SEE THE PROFFER.

5 BUT GIVEN THAT POINT, GIVEN THAT POINT,
6 IT'S INAPPROPRIATE TO RAISE IT IN THE OPENING AT
7 ALL BECAUSE WE DON'T KNOW WHETHER IT'S GOING TO
8 COME IN AND WE DON'T KNOW -- THERE'S NO WAY YOU'RE
9 GOING TO GIVE A LIMITING INSTRUCTION IN THE
10 OPENING, AND SO THE CONFUSION WILL HAVE BEEN DONE
11 THERE.

12 IF THIS IS GREAT EVIDENCE, THEN YOUR
13 HONOR WILL GET TO SEE IT. YOU'LL GET TO SEE IT
14 WITH WITNESSES TESTIFYING ABOUT IT. YOU'LL MAKE
15 THE DECISION ABOUT WHETHER OR NOT TO GIVE A
16 LIMITING INSTRUCTION AND AT THE END OF THE CASE, IF
17 IT'S RELEVANT, IT CAN GET ARGUED.

18 BUT TRYING TO MAKE IT INTO SOMETHING THAT
19 IT'S NOT IN THE OPENING, WHEN NEITHER I HAVE ANY
20 CONTROL ABOUT IT OTHER THAN OBJECTIONS, OR YOUR
21 HONOR HAS ANY CONTROL OVER IT IS NOT THE
22 APPROPRIATE TIME TO DO IT.

23 MR. VERHOEVEN: YOUR HONOR, WE THINK --

24 THE COURT: WHY DON'T WE GO AHEAD AND
25 HAVE -- PREPARE THE PROFFER AS SOON AS YOU CAN.

1 MR. VERHOEVEN: THANK YOU, YOUR HONOR.

2 THE COURT: AND I THINK APPLE SHOULD
3 START WORKING ON A LIMITING INSTRUCTION. I HAVE NO
4 PROBLEMS WITH GIVING A LIMITING INSTRUCTION DURING
5 OPENING OR AS PART OF THE PRELIMINARY INSTRUCTIONS.

6 MR. VERHOEVEN: YOUR HONOR, THERE'S
7 ANOTHER ISSUE THAT'S VERY IMPORTANT TO US, AT
8 LEAST, THAT YOUR HONOR EXCLUDED SOME SLIDES, AND I
9 DON'T -- HOPEFULLY IT'S JUST A MISUNDERSTANDING.

10 BUT THIS RELATES TO SLIDES -- I DON'T
11 KNOW, DO WE HAVE OUR AUDIO/VISUAL ON? I COULD JUST
12 PERHAPS SHOW YOU.

13 THE COURT: SURE. WHY DON'T YOU JUST
14 TELL ME WHAT THEY ARE. I'M FAMILIAR WITH YOUR
15 SLIDES.

16 MR. VERHOEVEN: OKAY.

17 THE COURT: IF YOU GIVE ME THE NUMBER, I
18 THINK THAT'S FINE.

19 MR. VERHOEVEN: THIS IS -- HOPEFULLY I
20 HAVE THE RIGHT NUMBERS, YOUR HONOR.

21 THE COURT: OKAY.

22 MR. VERHOEVEN: SO, FOR EXAMPLE, ON SLIDE
23 16, YOUR HONOR, THESE ARE DOCUMENTS THAT -- 11
24 THROUGH 19 WAS YOUR RULING.

25 THESE ARE DOCUMENTS, YOUR HONOR, THAT

1 YOUR HONOR WAS -- THAT I THINK APPLE SUGGESTED THAT
2 THEY -- THAT WE WERE ASSERTING THAT THEY RELATE TO
3 INVALIDITY AND PRIOR ART.

4 BUT WE'RE NOT, YOUR HONOR. THESE
5 DOCUMENTS ARE CRITICAL TO OUR CASE AND WHAT THEY GO
6 TO, YOUR HONOR, IS INDEPENDENT DERIVATION, SO
7 YOU -- AS YOUR HONOR WELL KNOWS, APPLE IS ALLEGING
8 THAT SAMSUNG COPIED THE APPLE DESIGN.

9 WHAT THESE DOCUMENTS GO TO, YOUR HONOR,
10 THEY'RE INTERNAL SAMSUNG DOCUMENTS. THEY PREDATE
11 THE ANNOUNCEMENT OF THE IPHONE, YOUR HONOR, AND
12 THEY SHOW THAT SAMSUNG INTERNALLY, BEFORE HAVING
13 KNOWN ANYTHING ABOUT THE IPHONE, THERE WAS NO
14 KNOWLEDGE PRIOR TO JANUARY OF 2007 OF AN IPHONE,
15 APPLE KEPT THAT STRICTLY SECRET AND THEY ANNOUNCED
16 IT IN JANUARY OF 2007.

17 THESE DOCUMENT ARE FROM 2006, YOUR HONOR,
18 AND WHAT THEY GO TO IS NOT INVALIDITY. WE'RE NOT
19 ARGUING THEM AS THE INVALIDITY OF THE APPLE
20 INTELLECTUAL PROPERTY.

21 BUT WE'RE REBUTTING THE ALLEGATION THAT
22 WE COPIED BY SHOWING THAT PRIOR TO THE ISSUANCE,
23 PRIOR TO THE ANNOUNCEMENT OF THE IPHONE, THAT IN
24 DEVELOPMENT WITHIN SAMSUNG WERE PHONES THAT HAD
25 VERY SIMILAR FORM FACTORS.

1 FOR EXAMPLE, IF YOU LOOK AT SLIDE 17,
2 YOUR HONOR, THIS IS FROM AN INTERNAL SAMSUNG
3 DOCUMENT DATED SEPTEMBER 14TH, 2006, PRIOR TO THE
4 ISSUANCE -- PRIOR TO THE ANNOUNCEMENT OF THE
5 IPHONE.

6 AND YOU CAN SEE FOR YOURSELF, YOUR HONOR,
7 IN THE SLIDE, IT'S VERY PROBATIVE OF INDEPENDENT
8 DEVELOPMENT.

9 IT SHOWS -- BY LOOKING AT IT YOU CAN SEE
10 IT SHOWS A -- IF WE JUST PUT IT UP THERE, YOU CAN
11 SEE IT ON THE SCREEN, YOUR HONOR, IT SHOWS A LARGE
12 SCREEN WITH A RECTANGULAR SHAPE, FORM FACTOR WITH
13 ROUNDED CORNERS.

14 AND IT ALSO SHOWS, TO THE RIGHT, THAT IN
15 DEVELOPMENT WITHIN SAMSUNG, PRIOR TO THE ISSUANCE
16 OF THE IPHONE, THEY ALREADY WERE DEVELOPING STACKS
17 OF ICONS WITH ROUNDED CORNERS, WHICH IS ANOTHER ONE
18 OF THE PIECES OF INTELLECTUAL PROPERTY THAT APPLE
19 IS SAYING SAMSUNG COPIED.

20 THE COURT: WELL, THESE -- YOU KNOW,
21 JUDGE GREWAL ORDERED THAT THESE SHOULD HAVE BEEN IN
22 SAMSUNG'S CONTENTION INTERROGATORY RESPONSES, BOTH
23 AS TO INVALIDITY AND AS TO NON-INFRINGEMENT, AND
24 THOSE WERE NOT DISCLOSED.

25 MR. VERHOEVEN: YOUR HONOR, THIS IS NOT

1 AN INVALIDITY ARGUMENT.

2 THE COURT: I KNOW. IT'S A
3 NON-INFRINGEMENT ARGUMENT. BUT THE CONTENTIONS
4 ASKED FOR BOTH. THE CONTENTIONS ASKED FOR BOTH
5 INVALIDITY AND NON-INFRINGEMENT. CONTENTION
6 INTERROGATORIES WERE NOT LIMITED TO INVALIDITY.

7 MR. VERHOEVEN: IT'S NOT
8 NON-INFRINGEMENT. IT'S INDEPENDENT DERIVATION OF
9 OUR PRODUCTS.

10 THEY'RE ALLEGING COPYING, YOUR HONOR.
11 THEY'RE ALLEGING THAT WE WERE DOING ONE THING AND
12 THEN THE IPHONE CAME OUT AND WE SWITCHED TO DO
13 ANOTHER.

14 IT'S THE COPYING ALLEGATIONS THAT THEY'RE
15 MAKING, YOUR HONOR. WE'RE NOT POINTING TO THIS AND
16 SAYING THIS SHOWS NON-INFRINGEMENT, YOUR HONOR.
17 WE'RE POINTING TO THIS TO SHOW WE DIDN'T COPY.

18 AND IF YOU LOOK AT --

19 THE COURT: ALL RIGHT. SO TELL ME THE
20 DATE THAT THEY WERE IN YOUR CONTENTION
21 INTERROGATORY RESPONSES.

22 MR. VERHOEVEN: I CAN'T TELL YOU OFF THE
23 TOP OF MY HEAD.

24 THE COURT: WHEN DID YOU RAISE THIS
25 INDEPENDENT DERIVATION THEORY?

1 MR. VERHOEVEN: I'LL HAVE TO GO BACK --

2 THE COURT: MARCH 14TH?

3 MR. VERHOEVEN: I'LL HAVE TO GO BACK AND
4 CHECK TO SEE IF THERE'S A CONTENTION ROG AS TO
5 INDEPENDENT DERIVATION, YOUR HONOR.

6 THIS IS NOT SOMETHING THAT WE WOULD CITE
7 TO FOR NON-INFRINGEMENT, YOUR HONOR. IT'S
8 SOMETHING THAT WE'RE HAVING PERCIPIENT WITNESSES --

9 THE COURT: UNDERSTOOD. GIVE ME THE DATE
10 AND THE -- AND WHEREVER IT'S IN THE ECF DOCKET
11 WHERE I CAN FIND THAT THIS THEORY WAS TIMELY
12 DISCLOSED AND I'LL RECONSIDER. OKAY?

13 MR. VERHOEVEN: CAN WE HAVE SOME TIME TO
14 DO THAT, YOUR HONOR?

15 THE COURT: YOU'VE GOT SIX PAGES OF TWO
16 TO THREE COLUMNS OF LAWYERS, BOTH SIDES DO, WORKING
17 ON THIS CASE. I'M ASSUMING YOU HAVE OTHER FOLKS
18 WHO CAN WORK ON IT RIGHT NOW. PLEASE DO SO.

19 MR. VERHOEVEN: YES, YOUR HONOR.

20 THE COURT: BECAUSE I WANT TO GO FORWARD
21 TODAY.

22 MR. VERHOEVEN: YES, YOUR HONOR.

23 MR. MCELHINNY: MAY I RAISE ONE SMALL
24 ISSUE, YOUR HONOR, WHICH I THINK IS JUST A TYPO?

25 THE COURT: WHAT'S THAT?

1 MR. MCELHINNY: IT'S IN YOUR ORDER TO
2 SAMSUNG'S OBJECTIONS TO APPLE'S OPENING SLIDES.

3 THE COURT: OKAY.

4 MR. MCELHINNY: AND CALLING YOUR
5 ATTENTION TO APPLE'S SLIDE NUMBER 32.

6 THE COURT: OKAY.

7 MR. MCELHINNY: IF YOU SEE ALL THAT SET
8 FROM 13 TO 32, IT HAS THE SAME TEXT EXPLAINING THE
9 REASON, BUT THE OBJECTION WAS OVERRULED IN ALL THE
10 OTHERS AND SUSTAINED HERE, AND FROM THE TEXT, IT
11 LOOKS LIKE YOUR HONOR MEANT TO OVERRULE THE
12 OBJECTION TO 32.

13 THE COURT: LET ME SEE. SO 32.

14 MR. MCELHINNY: MAY I APPROACH, YOUR
15 HONOR?

16 THE COURT: YES.

17 (PAUSE IN PROCEEDINGS.)

18 THE COURT: YOU'RE RIGHT.

19 MR. MCELHINNY: THANK YOU, YOUR HONOR.

20 THE COURT: OKAY. WHAT ELSE?

21 MR. VERHOEVEN: I HAVE ONE --

22 THE COURT: SO YOU'RE GOING TO MAKE A
23 PROFFER --

24 MR. VERHOEVEN: YES, YOUR HONOR.

25 THE COURT: -- ON MR. NISHIBORI, PLEASE;

1 APPLE IS GOING TO MAKE A PROPOSAL FOR A LIMITING
2 INSTRUCTION; YOU'RE GOING TO GIVE ME THE DATE ON
3 WHEN INDEPENDENT DERIVATION WAS DISCLOSED.

4 AND THEN WHAT ELSE?

5 MR. VERHOEVEN: THERE'S ONE OTHER ITEM I
6 WOULD LIKE TO RAISE, YOUR HONOR. IT'S
7 DEMONSTRATIVE 51 FROM THE -- FROM THE SAMSUNG
8 SLIDES.

9 THE COURT: OKAY.

10 MR. VERHOEVEN: YOUR HONOR HAD EXCLUDED
11 THAT STATING THAT IT WASN'T PREVIOUSLY DIS -- THAT
12 PARTICULAR NON-INFRINGEMENT THEORY ARE NOT BEEN
13 PREVIOUSLY DISCLOSED.

14 YOUR HONOR, THIS EXACT THEORY WAS ARGUED
15 AT THE PRELIMINARY INJUNCTION STAGE. MR. SHERMAN
16 SUBMITTED A DECLARATION TO THE COURT IN WHICH HE
17 NOTED THE DIFFERENCES BETWEEN THE FLUSH FRONT FACE
18 CLAIMED IN THE '087 PATENT AND THE UPPER EDGE OF
19 THE BEZEL PATENT IN THE SAMSUNG GALAXY S4G.

20 IT'S DOCKET 172, PAGES 39 THROUGH 41.
21 THAT'S THE PRECISE NON-INFRINGEMENT THEORY SET
22 FORTH IN SLIDE 51.

23 THIS HAS BEEN IN THE CASE. THERE'S BEEN
24 ARGUMENT IN THIS CASE THROUGHOUT.

25 THE COURT: OKAY. I'M SORRY. I'M TRYING

1 TO WRITE THIS DOWN.

2 SO SAMSUNG SLIDE 51. AND WOULD YOU
3 PLEASE GIVE ME THE DOCKET NUMBER. YOU SAID 177?

4 MR. VERHOEVEN: 172 AT PAGES 39 THROUGH
5 41.

6 THE COURT: OKAY. I WILL GO BACK AND
7 LOOK AT THAT.

8 WHAT ELSE?

9 MR. JACOBS: YOUR HONOR, ON OUR SLIDE 54,
10 YOU HAD -- YOU GRANTED AN OBJECTION BY SAMSUNG ON
11 THE TRANSLATION.

12 THE COURT: ON YOUR SLIDE 54?

13 MR. JACOBS: IT WAS --

14 THE COURT: THE TRANSLATION -- I ONLY
15 HAVE 58 AS AN EXHIBIT THAT A TRANSLATION OBJECTION
16 WAS MADE ON YOUR SLIDES.

17 MR. JACOBS: GIVE ME A MINUTE, YOUR
18 HONOR.

19 YOU KNOW WHAT? THE NUMBERING CHANGED
20 BECAUSE -- I'M SORRY, MY ERROR, YOUR HONOR. OUR
21 SLIDE 58 IN THE NEW DECK, BECAUSE WE DELETED SOME
22 SLIDES, WAS 54.

23 THE COURT: ALL RIGHT.

24 MR. JACOBS: THE TRANSLATION ISSUE WAS
25 DULL VERSUS PLAIN, AND IT WAS LATE RAISED BY

1 SAMSUNG.

2 ACTUALLY, WE DIDN'T EVEN KNOW ABOUT THE
3 TRANSLATION ISSUE UNTIL THEY OBJECTED TO THE SLIDE,
4 BUT IN THE INTEREST OF MOVING FORWARD, WE'VE AGREED
5 TO THEIR TRANSLATION AND WOULD PROPOSE, THEREFORE,
6 TO RESTORE THAT SLIDE AND THE EXHIBIT WITH THE
7 SAMSUNG TRANSLATION.

8 MS. MAROULIS: YOUR HONOR, WE NEED TO
9 PREVIEW THE TRANSLATION. THE TRANSLATION PROCESS
10 MEETING IS CONTINUING. THEY HAD ANOTHER MEETING
11 YESTERDAY. SO WE WANT TO VIEW THAT SLIDE AND SEE
12 HOW THEY'RE GOING TO USE THE LANGUAGE.

13 MR. MCELHINNY: WELL, THE PURPOSE OF THE
14 MEET AND CONFER WAS TO HAVE ALL THESE THINGS
15 RESOLVED BEFORE THE OPENING DAY.

16 WHAT WE GET IS WE HAD A LIST OF DOCUMENTS
17 THERE WERE DISPUTES ABOUT, THOSE WERE RESOLVED, WE
18 SENT THEM THE SLIDES AND THEY LOOKED AT --

19 THE COURT: I'M SORRY TO INTERRUPT. IF
20 THE ISSUE WAS DULL VERSUS PLAIN AND APPLE HAS
21 ACCEPTED SAMSUNG'S TRANSLATION, THEN WHAT'S THE
22 PROBLEM?

23 MS. MAROULIS: THAT'S FINE, YOUR HONOR.
24 WE'LL ACCEPT THAT.

25 THE COURT: ALL RIGHT. SO THEN 19 WILL

1 COME IN AND I WILL ACCEPT SAMSUNG'S TRANSLATION.

2 ALL RIGHT. ANY OTHERS?

3 MR. VERHOEVEN: YEAH. I HAVE A REQUEST
4 FOR A POINT OF CLARIFICATION ON THE MOTION IN
5 LIMINE WE FILED, YOUR HONOR, WITH RESPECT TO
6 DISCUSSIONS OR MENTIONS OF STEVE JOBS.

7 THE COURT: YES.

8 MR. VERHOEVEN: IN THE APPLE SLIDES, AS I
9 PREDICTED --

10 THE COURT: I THINK THOSE SLIDES ARE
11 FINE.

12 MR. VERHOEVEN: YOUR HONOR, THERE'S A
13 SLIDE HERE THAT -- FROM THE --

14 THE COURT: PATENT AND TRADEMARK OFFICE?

15 MR. VERHOEVEN: YEAH. I MEAN, THAT'S
16 COMPLETELY PREJUDICIAL, YOUR HONOR. THEY'VE GOT A
17 PICTURE OF HIM THERE.

18 YOU KNOW HE'S GOING TO GET UP AND TALK
19 ABOUT IT AND TRY TO INFLUENCE THE JURY AND
20 PREJUDICE THE JURY INTO THIS POPULARITY CONTEST
21 ISSUE WE TALKED ABOUT BEFORE.

22 YOUR HONOR ALREADY GRANTED THE MOTION IN
23 LIMINE.

24 THE COURT: BUT IT'S THE IPHONE DESIGN
25 THAT THE PATENT OFFICE IS --

1 MR. MCELHINNY: IT'S A PATENT OFFICE --

2 THE COURT: -- RECOGNIZING.

3 MR. MCELHINNY: THE FACT THAT THE PATENT
4 OFFICE DID THIS, THE FACT THAT THIS IS A PUBLIC
5 DISPLAY -- WE DIDN'T PUT THE PICTURE OF STEVE JOBS
6 ON THERE.

7 THE COURT: THAT'S OVERRULED. LET'S MOVE
8 ON. I GOT THIS -- I GOT NISHIBORI; INDEPENDENT
9 DERIVATION; AND SLIDE 51.

10 ARE THERE ANY OTHERS YOU'D LIKE TO RAISE?
11 AND I'LL GO BACK AND LOOK AT THOSE.

12 MR. VERHOEVEN: THERE'S ONE MORE AND
13 MR. ZELLER WILL HANDLE IT.

14 THE COURT: OKAY.

15 MR. ZELLER: AND THIS GOES TO THE HOME
16 BUTTON DOCUMENT.

17 THE COURT: I'M SORRY. EXCUSE ME.

18 (PAUSE IN PROCEEDINGS.)

19 THE COURT: GO AHEAD, PLEASE.

20 MR. ZELLER: THANK YOU, YOUR HONOR.

21 THIS GOES TO DEMONSTRATIVE 29.

22 THE COURT: 29?

23 MR. ZELLER: YES.

24 THE COURT: ONE SECOND, PLEASE. LET ME
25 JUST FIND THAT.

1 ALL RIGHT. GO AHEAD, PLEASE.

2 MR. ZELLER: THANK YOU, YOUR HONOR.

3 THIS IS A PUBLICLY FILED APPLE
4 APPLICATION WITH THE UNITED STATES PATENT AND
5 TRADEMARK OFFICE.

6 IT GOES TO THE HOME BUTTON WHICH, AS THIS
7 APPLICATION SAYS, IS SOMETHING THAT APPLE SAID TO
8 THE PATENT OFFICE WAS A PROMINENT, CONSISTENT AND
9 UNMISTAKABLE FEATURE OF APPLE PRODUCT DESIGN FOR
10 FIVE YEARS.

11 THE COURT: OKAY. JUST GIVE ME THE
12 TIMELY DISCLOSURE INFORMATION, BECAUSE THAT'S ALL
13 THIS IS GOING TO RIDE ON. SO IF YOU GIVE ME THE
14 TIMELY DISCLOSURE INFORMATION, I'LL RECONSIDER.

15 MR. ZELLER: IT WAS, YOUR HONOR. IT WAS
16 DISCLOSED IN EXPERT DISCOVERY IN RESPONSE TO
17 APPLE'S EXPERT ON TRADE DRESS, PROFESSOR WINER,
18 W-I-N-E-R.

19 AND ITS PURPOSE AND THE REASON WHY IT WAS
20 PRODUCED THEN WAS IN ORDER TO IMPEACH AND REBUT
21 PROFESSOR WINER'S THEORIES ABOUT THE TRADE DRESS.
22 HE DID NOT TAKE THIS INTO ACCOUNT, WHICH WE BELIEVE
23 IS A SIGNIFICANT FLAW IN HIS APPROACH.

24 WE OBVIOUSLY COULD NOT HAVE KNOWN WHAT
25 HIS THEORY AND APPROACH WAS UNTIL HE GAVE US HIS

1 EXPERT REPORT.

2 I QUESTIONED HIM ON THIS DOCUMENT 59 AT
3 HIS DEPOSITION DURING EXPERT DISCOVERY.

4 SO THIS WAS TIMELY DISCLOSED, TIMELY USED
5 DURING A DEPOSITION.

6 I WOULD ALSO NOTE, IT IS AN APPLE
7 PUBLICLY FILED DOCUMENT.

8 WE ALSO USED IT IN THE '79 --

9 THE COURT: OKAY. SO YOU DIDN'T PRODUCE
10 THIS DURING FACT DISCOVERY?

11 MR. ZELLER: CORRECT.

12 THE COURT: THAT CUT OFF AS MARCH 9TH,
13 RIGHT? OKAY. WAS IT IN YOUR CONTENTION
14 INTERROGATORY RESPONSES THAT WERE SERVED ON
15 MARCH 14TH, I BELIEVE?

16 MR. ZELLER: THERE WERE NO
17 INTERROGATORIES, YOUR HONOR, THAT ASKED FOR THIS
18 INFORMATION.

19 THE COURT: ALL RIGHT. AND HOW ARE YOU
20 CLASSIFYING THIS? YOU'RE NOT SAYING THIS IS
21 NON-INFRINGEMENT? HOW ARE YOU CLASSIFYING THIS?

22 MR. ZELLER: NO, YOUR HONOR.

23 WE'RE USING IT TO SAY THAT APPLE'S TRADE
24 DRESS EXPERTS, WHO DON'T TAKE INTO ACCOUNT WHAT
25 APPLE HAS SAID ITSELF IS THIS PROMINENT,

1 CONSISTENT, UNMISTAKABLE FEATURE, THEY HAVE
2 COMPLETELY FACTORED THIS OUT OF THEIR ANALYSIS,
3 THEIR EXPERT ANALYSIS, AND WE BELIEVE THAT WE'RE
4 ENTITLED TO ARGUE THAT IT IS A SIGNIFICANT FLAW IN
5 THEIR APPROACH. IT'S A REASON WHY THEIR APPROACH
6 TO TRADE DRESS SHOULD BE REJECTED.

7 IT IS NOT ACTUALLY PROPERLY TAKING INTO
8 ACCOUNT THE -- WHAT CONSUMERS PERCEIVE AND EVEN
9 WHAT APPLE ITSELF HAS SAID IN PUBLICLY FILED
10 DOCUMENTS.

11 THE COURT: OKAY. I'M SORRY. LET ME
12 INTERRUPT YOU.

13 WHAT IS APPLE'S RESPONSE ON THIS?

14 MR. JACOBS: YOUR HONOR HAS DRAWN A LINE
15 THAT YOU AND JUDGE GREWAL HAVE APPLIED TO BOTH
16 SIDES. IT HAS BEEN THE ANSWERS TO THE QUESTION YOU
17 JUST ASKED, WHEN WAS IT DISCLOSED AND WAS IT TIMELY
18 DISCLOSED DURING THE DISCLOSURE PERIOD?

19 SAMSUNG HAS CONCEDED THAT THIS WAS SPRUNG
20 ON AN EXPERT AT HIS DEPOSITION AND NOT PRODUCED
21 EVEN BEFORE THAT.

22 AND ON THAT BASIS, AND ON THE BASIS OF
23 PRIOR RULINGS OF THIS COURT, INCLUDING RULINGS THAT
24 HAVE EXCLUDED INFRINGEMENT CLAIMS THAT HAVE A
25 SIGNIFICANT INTEREST, IMPACT ON OUR CASE BECAUSE

1 THEY WERE ONLY IN EXPERT DISCOVERY, THIS EXHIBIT
2 AND THE USE OF IT AT TRIAL AND IN THE OPENING
3 SHOULD BE STRUCK.

4 MR. ZELLER: BRIEFLY, YOUR HONOR.

5 THE -- ONE REASON WHY WE INTRODUCED THIS
6 DOCUMENT IS TO REBUT --

7 THE COURT: DID YOU PRODUCE IT BEFORE --
8 WINER IS APPLE'S EXPERT; IS THAT RIGHT?

9 MR. JACOBS: THAT'S CORRECT, YOUR HONOR.

10 THE COURT: DID YOU PRODUCE IT BEFORE
11 WINER'S DEPOSITION?

12 MR. ZELLER: NO, YOUR HONOR.

13 BUT IF I MAY ADDRESS --

14 THE COURT: AND WHY WAS THAT?

15 MR. ZELLER: BECAUSE, YOUR HONOR, I'LL
16 REMIND THE COURT THAT THE ARTICLES THAT APPLE IS
17 RELYING UPON --

18 THE COURT: YOU MUST HAVE HAD IT BEFORE
19 THE DEPOSITION, RIGHT? DON'T TELL ME YOU FOUND IT
20 IN THE MIDDLE OF HIS DEPOSITION.

21 MR. ZELLER: WE FOUND IT THAT DAY, YOUR
22 HONOR. THAT WAS THE DAY THAT WE FOUND IT.

23 APPLE DID NOT PRODUCE IT. THERE WERE
24 ORDERS THAT CERTAINLY REQUIRED APPLE TO PRODUCE
25 SUCH STATEMENTS ABOUT ITS TRADE DRESS. IT DID NOT

1 DO IT. WE FOUND IT THROUGH OUR OWN INDEPENDENT
2 RESEARCH.

3 TO BE MORE SPECIFIC IN TERMS OF WHAT THIS
4 REBUTS, YOUR HONOR, THE COURT WILL RECALL THAT ALL
5 THESE ARTICLES THAT APPLE IS RELYING ON WERE
6 THEMSELVES NOT PRODUCED UNTIL EXPERT DISCOVERY.

7 WE MOVED IN LIMINE ON THAT VERY POINT
8 BECAUSE WE DID NOT THINK THEY WERE TIMELY
9 DISCLOSED. THE COURT OVERRULED THAT OBJECTION.

10 THIS RESPONDS TO THE ARTICLES AS WELL.

11 APPLE IS GOING TO BE INTRODUCING THESE
12 ARTICLES ABOUT WHAT IS SUPPOSEDLY FAMOUS,
13 WELL-KNOWN AND DISTINCTIVE AND THE LIKE ABOUT THE
14 APPLE TRADE DRESS.

15 THIS IS AN APPLE STATEMENT TO REBUT
16 THOSE.

17 SO, YOUR HONOR, THE IDEA THAT, THAT WE
18 SOMEHOW HAD TO ANTICIPATE THAT THEY WERE GOING TO
19 BE PRODUCING ALL THESE ARTICLES AND THAT WE'D HAVE
20 TO RESPOND TO PROFESSOR WINER -- AND THE COURT WILL
21 RECALL THAT THERE WAS VERY LITTLE TIME BETWEEN THE
22 TIME THAT EXPERT REPORTS WERE SERVED AND WHEN THESE
23 DEPOSITIONS OCCURRED. IT WAS A MATTER OF DAYS.

24 SO, YOUR HONOR, THIS IS NOT A MATTER OF
25 US SANDBAGGING OR THAT THEY DIDN'T KNOW.

1 THE OTHER POINT I WOULD MAKE, YOUR HONOR,
2 IS THAT THIS WAS ALSO LITIGATED IN '796. THE COURT
3 THE OTHER DAY POINTED OUT THAT THERE COULDN'T BE
4 SURPRISES HERE BECAUSE THE PARTIES RECENTLY
5 LITIGATED THE '796 TRIAL IN THE ITC. THIS DOCUMENT
6 WAS USED THERE WITHOUT ANY OBJECTION.

7 THEY HAVE BEEN ON NOTICE OF THIS DOCUMENT
8 FOR SOME PERIOD OF TIME, AND IT'S THEIR OWN
9 STATEMENT AND WE BELIEVE THAT WE'RE ENTITLED TO USE
10 IT IN ORDER TO EXPLORE APPLE'S CLAIMED TRADE DRESS
11 THEORY HERE AND IT'S PROPER REBUTTAL.

12 AND BY THE WAY, THIS WAS NEVER RAISED
13 WITH JUDGE GREWAL, NEVER. THIS DOCUMENT IS NOT
14 EVEN ARGUABLY WITHIN THE SCOPE OF HIS ORDER.

15 MR. JACOBS: YOUR HONOR, OUR THEORY THAT
16 OUR TRADE DRESS IS DISTINCTIVE HAS BEEN SET OUT IN
17 THE COMPLAINT. THE AMENDED COMPLAINT LAYS OUT
18 EXACTLY WHAT THE ELEMENTS OF THE TRADE DRESS ARE.

19 SO FOR SAMSUNG TO SAY THAT THEY DIDN'T
20 KNOW WHAT WE WOULD BE ARGUING THE TRADE DRESS IS
21 UNTIL EXPERT REPORTS MAKES NO SENSE AT ALL.

22 MR. ZELLER: THAT'S NOT MY ARGUMENT, YOUR
23 HONOR.

24 MR. JACOBS: AND TO SAY THAT WE WOULDN'T
25 BE ARGUING THAT THAT DISTINCTIVE TRADE DRESS WAS

1 FAMOUS AS LAID OUT IN OUR COMPLAINT MAKES NO SENSE
2 AT ALL BECAUSE WE WERE CLAIMING DILUTION FROM THE
3 AMENDED COMPLAINT.

4 SO SAMSUNG HAS BEEN ON NOTICE OF OUR
5 THEORY OF THE CASE SINCE LAST JUNE AT THE LATEST.
6 THERE IS NO REASON THIS COULD NOT HAVE BEEN PICKED
7 UP BY THEM EARLIER AND THERE'S BEEN NO CLAIM OF
8 NON-PRODUCTION BASED ON SOME DISCOVERY RESPONSE.

9 THE CUT OFF WAS THE CUT OFF. YOU HELD
10 US --

11 THE COURT: ALL RIGHT.

12 MR. JACOBS: YOU HELD THAT WE COULD NOT
13 ACCUSE A PHONE CALLED THE SMART GRAVITY BECAUSE WE
14 CALLED IT THE GRAVITY SMART AND WE'RE NOT MOVING
15 FOR RECONSIDERATION ON THAT. WE'RE TAKING YOUR
16 ORDERS AND MOVING ON.

17 MR. ZELLER: YOUR HONOR, THIS DOESN'T --

18 THE COURT: ALL RIGHT. WELL, THIS
19 RECONSIDERATION IS DENIED. OKAY?

20 WHAT ELSE DO YOU HAVE? ANYTHING ELSE?

21 WHAT IS OUR UPDATE FROM MR. YOUNGER?

22 THE CLERK: I HAVE NOT HEARD ANYTHING,
23 WHICH I ASSUME HE'S STILL DOING HIS PRESENTATION.

24 THE COURT: OKAY.

25 THE CLERK: HE'LL LET ME KNOW AS SOON AS

1 THEY'RE READY.

2 THE COURT: OKAY. WELL, LET ME -- I'D
3 LIKE TO GO THROUGH THE JURY SELECTION QUESTIONS
4 JUST TO GIVE YOU A SENSE OF HOW I'M PLANNING TO DO
5 IT.

6 SO I'M GOING TO ASK THE PART -- PARDON
7 ME -- THE JURORS WHETHER THEY HAVE SUCH STRONG
8 FEELINGS ABOUT THE CASE BASED ON EITHER WHAT
9 THEY'VE ALREADY HEARD IN THE MEDIA, HOW THEY FEEL
10 ABOUT THE PARTIES, HOW THEY FEEL ABOUT THE U.S.
11 PATENT SYSTEM, AND JUST GET A YES OR NO ANSWER AS
12 TO WHETHER THEY CAN BE FAIR AND IMPARTIAL.

13 BUT I'M ONLY GOING TO HAVE THE
14 CONVERSATION AS TO WHETHER THAT'S A BASIS TO EXCUSE
15 THEM FOR CAUSE PRIVATELY.

16 SO WE'LL SORT OF GO THROUGH THE MORE
17 GENERAL QUESTIONS WITH EVERYONE IN THE ROOM AND
18 THEN WHEN IT'S TIME TO HAVE THE ONE-ON-ONE
19 DISCUSSIONS, THEN I'M GOING TO HAVE THE REMAINING
20 JURORS I THINK GO TO JUDGE DAVILA'S COURTROOM AND
21 SOME OF THE COURT CLERK'S OFFICE WILL REMAIN WITH
22 THEM, AND WE'LL HAVE THE ONES WHO HAVE RAISED THEIR
23 HAND THAT THEY CAN'T BE FAIR AND IMPARTIAL IN
24 JUDGE LLOYD'S JURY ROOM AND IN OUR JURY ROOM AND
25 WE'LL JUST BRING THEM IN ONE BY ONE TO HAVE A

1 CONVERSATION.

2 IF, AFTER THAT PROCESS, WE CAN GET 18,
3 THEN I DON'T FEEL A NEED TO REPLENISH OUR BOX
4 BECAUSE ALL WE NEED IS 18, ASSUMING BOTH SIDES
5 EXERCISE ALL FOUR PEREMPTORIES THAT YOU HAVE AND WE
6 STILL HAVE 10.

7 OBVIOUSLY IF WE'RE LESS THAN 18, THEN
8 WE'RE GOING TO HAVE TO REPLENISH.

9 THIS PANEL HAS ALREADY BEEN SCREENED FOR
10 HARDSHIP. THEY WERE GIVEN THE DATES AND TIMES OF
11 THIS TRIAL AND PREVIOUSLY REPRESENTED THAT THEY
12 COULD MAKE THOSE DATES.

13 NOW, IT'S POSSIBLE THAT THERE'S BEEN A
14 CHANGE IN CIRCUMSTANCES AND WE MAY LOSE SOME FOR
15 HARDSHIP, BUT I -- I DON'T THINK IT SHOULD BE A
16 SIGNIFICANT NUMBER SINCE THEY'VE ALREADY BEEN
17 SCREENED FOR AVAILABILITY.

18 OKAY? IS THAT -- SO WE WON'T FOLLOW UP
19 WITH INDIVIDUAL POTENTIAL BIASES UNTIL WE'RE IN
20 PRIVATE.

21 NOW, SOME OF THESE I THINK I'M NOT AS
22 WORRIED ABOUT AN INDIVIDUAL TAINTING THE REST OF
23 THE PANEL, SO SOME OF IT WE WILL DO.

24 BUT AS FAR AS SPECIFIC PREJUDICE MORE
25 RELATED TO THIS CASE, WE'LL DO THAT IN PRIVATE. IS

1 OF THE JURORS LEAVE, WE KNOW WHO THE NEXT ONE IS?

2 THE COURT: YES. SO YOU'LL GET -- AS
3 SOON AS MR. YOUNGER COMES UP, BOTH SIDES WILL GET
4 AN ALPHABETIZED AND A RANDOMIZED LIST. I THINK WE
5 HAVE 72 PEOPLE COMING.

6 THE CLERK: 74.

7 THE COURT: TWO MORE PEOPLE HAVE SHOWN
8 UP. SO WE'LL PUT THEM IN THE BOX IN ORDER.

9 NOW, I WAS PLANNING ON, IF WE HAVE TO
10 REPLENISH, RATHER THAN HAVING EVERYONE SORT OF
11 ADJUST CHAIRS, OF JUST CALLING THE NEXT PERSON IN
12 THE LINE AND FILL IN SEAT NUMBER 3, NEXT PERSON IN
13 LINE, FILL IN SEAT NUMBER 7. DO YOU HAVE ANY
14 OBJECTION TO THAT OR DO YOU WANT THEM ALL TO MOVE
15 UP AND HAVE NEW PEOPLE ON THE LIST COME UP AT THE
16 END?

17 MR. MCELHINNY: THAT'S FINE. I JUST
18 WANTED TO -- THE RANDOMIZED LIST IS THE ORDER IN
19 WHICH PEOPLE ARE SELECTED?

20 THE COURT: YES, YES.

21 MR. MCELHINNY: THANK YOU, YOUR HONOR.

22 THE COURT: BUT I WASN'T PLANNING ON
23 HAVING EVERYONE HAVE TO SHIFT CHAIRS. THE NEXT
24 PERSON IN THE LINE WILL JUST HAVE TO TAKE WHATEVER
25 EMPTY SEAT THERE IS.

1 MR. PRICE: THAT'S FINE.

2 MR. LEE: THAT'S FINE.

3 THE COURT: WE SHOULD HAVE THEM IN FIVE
4 MINUTES.

5 IS THERE ANYTHING ELSE WE NEED TO COVER?
6 OTHERWISE WE'LL TAKE A FIVE-MINUTE BREAK.

7 MR. LEE: ONE MORE LOGICAL QUESTION.

8 AT THE END OF THE ATTORNEY VOIR DIRE, I
9 DOUBT IT WOULD -- GIVEN YOUR HONOR'S PROCEDURE THAT
10 IT IS GOING TO HAPPEN, BUT THERE IS THE POSSIBILITY
11 THAT THERE MIGHT BE OBJECTION FOR CAUSE. WE'LL
12 TAKE THOSE BEFORE WE EXERCISE OUR STRIKES?

13 THE COURT: YES. THE PROBLEM IS THAT,
14 UNFORTUNATELY, NONE OF THE MICROPHONES ARE WORKING,
15 SO I NORMALLY COULD DO THIS AT A SIDE-BAR, BUT THAT
16 ONE IS NOT WORKING AND ANOTHER ONE IS NOT WORKING.

17 SO --

18 (DISCUSSION OFF THE RECORD BETWEEN THE
19 COURT AND THE REPORTER.)

20 THE COURT: SO THEN WHAT I'M GOING TO
21 SUGGEST IS IF THERE ARE ANY FURTHER CHALLENGES FOR
22 CAUSE, MAYBE WE'LL JUST GO TO THE JURY ROOM. WE
23 COULD JUST GO TO THE JURY ROOM, BECAUSE
24 UNFORTUNATELY, I THINK WITH OUR MICROPHONES BEING
25 BROKEN, I DON'T THINK THAT WE CAN MAINTAIN SORT OF

1 PRIVACY WITHOUT THE JURORS HEARING.

2 MR. LEE: THAT'S FINE, YOUR HONOR.

3 THE COURT: OKAY. ALSO, SO YOU KNOW, I
4 LIKE TO DO THE CAUSE OUT -- THE EXCUSES AS WE'RE
5 GOING, BECAUSE I DON'T WANT TO WASTE TIME ON ASKING
6 A BUNCH OF QUESTIONS OF SOMEONE WHO'S NOT GOING TO
7 BE AROUND. SO I'LL JUST ASK YOU IF THERE'S ANY
8 OBJECTION TO THANK AND EXCUSE JUROR SO-AND-SO FOR
9 CAUSE.

10 MR. PRICE: YOUR HONOR, JUST FOR THE
11 PROCEDURE, ONCE IT'S ALL DONE AND THEN WE'RE
12 GETTING TOGETHER TO EXERCISE OUR PEREMPTORIES, AT
13 THAT TIME COULD WE TAKE LIKE A 20 MINUTE BREAK OR
14 SOMETHING SO -- LET THEM LEAVE THE ROOM SO THAT WE
15 CAN THEN EXCHANGE OUR CHALLENGES AND ARRIVE AT A
16 JURY? RATHER THAN HAVE THEM SIT HERE AND WAIT FOR
17 US TO DO THAT.

18 THE COURT: THE ONLY REASON I LIKE TO DO
19 THAT IS SO YOU CAN SEE PEOPLE AND REMEMBER WHICH
20 ONES THEY ARE IF THAT'S HELPFUL TO YOU TO BE ABLE
21 TO LOOK AT THEIR FACES AND SEE MORE QUICKLY WHO'S
22 GOING TO COME IN IF YOU STRIKE THAT PERSON.

23 MR. PRICE: WE DON'T NEED THAT.

24 THE COURT: YOU DON'T WANT THAT?

25 MR. PRICE: I THINK A BREAK IS MORE

1 IMPORTANT. WE JUST DON'T WANT THEM TO SEE AND
2 WATCH THE SAUCE BEING MADE.

3 THE COURT: OKAY. WHATEVER YOUR
4 PREFERENCE IS, THAT'S FINE.

5 MR. LEE: THAT MAKES GOOD SENSE.

6 THE COURT: OKAY. THAT'S FINE. SO WE'LL
7 JUST GO AHEAD AND EXCUSE THEM DURING THAT PERIOD.

8 ANY OTHER REQUESTS ON HOW YOU'D LIKE THIS
9 DONE?

10 MR. LEE: NOT FOR APPLE, YOUR HONOR.

11 THE COURT: OKAY.

12 MR. PRICE: NOTHING FROM SAMSUNG, YOUR
13 HONOR.

14 THE COURT: AND WOULD YOU PLEASE JUST
15 REMIND ME IF I FORGET, BECAUSE I NORMALLY KEEP THEM
16 IN THE BOX SO YOU CAN KIND OF LOOK AT THEM AND
17 REMIND YOURSELVES AS TO WHO YOU'RE GETTING NEXT IF
18 YOU STRIKE THAT ONE OR NOT. JUST REMIND ME,
19 PLEASE.

20 OKAY. THEN WHY DON'T WE TAKE A FEW
21 MINUTE BREAK SO THAT OUR PANEL CAN ARRIVE.
22 APPARENTLY MR. YOUNGER -- DID HE SAY THEY'RE DONE?
23 HE SAYS THEY'RE JUST ABOUT DONE.

24 OKAY. WE'LL TAKE A FEW MINUTE RECESS.
25 THANK YOU.

1 (WHEREUPON, A RECESS WAS TAKEN.)

2 THE COURT: OKAY. LET'S JUST GO BACK ON
3 THE RECORD A MINUTE.

4 WITH REGARD TO SAMSUNG'S SLIDE 51, WE
5 HAVE CONFIRMED THAT IT WAS DISCLOSED, SO APPLE'S
6 OBJECTION IS OVERRULED WITH REGARD TO SLIDE 51.

7 WITH THE INDEPENDENT DERIVATION, THAT I'M
8 DENYING THE MOTION FOR RECONSIDERATION. IT WASN'T
9 TIMELY DISCLOSED. IT IS ESSENTIALLY INVALIDITY
10 THAT YOU INVENTED IT FIRST.

11 NOW, WITH REGARD TO THIS SLIDE 29 -- WITH
12 REGARD TO SLIDE 29, I'M GOING TO -- WELL, I GUESS I
13 WOULD LIKE A LITTLE BIT OF INFORMATION ON IF IT
14 REALLY IS REBUTTAL OR NOT.

15 AND THEN CAN YOU ALL HAVE JUST SOMEONE IN
16 OUR TEAMS DO JUST LIKE A ONE PARAGRAPH
17 EXPLAINING -- I MEAN, I MIGHT MAKE AN EXCEPTION
18 BECAUSE THIS IS AN APPLE DOCUMENT.

19 IS THERE A JUROR OUT THERE? CAN WE KEEP
20 THAT DOOR CLOSED? ARE THEY OUT THERE IN THE
21 HALLWAY? CAN THEY HEAR WHAT I'M SAYING?

22 THE MARSHAL: I DON'T BELIEVE SO, YOUR
23 HONOR.

24 THE COURT: OKAY. IT'S AN APPLE
25 DOCUMENT. IT'S A PUBLIC DOCUMENT. SO CAN YOU JUST

1 HAVE SOMEONE PREPARE, LIKE, A ONE PARAGRAPH --

2 MR. JACOBS: WILL DO, YOUR HONOR.

3 THE COURT: -- ON SLIDE 29?

4 BUT SLIDE 51 IS IN. THE OBJECTION IS
5 OVERRULED.

6 INDEPENDENT DERIVATION THEORY, MOTION FOR
7 RECONSIDERATION IS DENIED.

8 AND I'LL WAIT TO GET THE NISHIBORI ORDER
9 FROM YOU.

10 MR. VERHOEVEN: YOUR HONOR, I THOUGHT YOU
11 SAID THAT YOU WOULD GIVE US AN OPPORTUNITY TO MAKE
12 A SHOWING THAT THESE DOCUMENTS, THE INDEPENDENT --
13 YOU'RE REFERRING TO AN INDEPENDENT DERIVATION
14 BECAUSE THAT ALSO GOES TO REBUT WILLFULNESS.

15 THIS IS VERY IMPORTANT TO US FOR OUR
16 CASE. WE'D LIKE THE OPPORTUNITY TO SHOW YOU THAT
17 THERE WAS NO -- THAT THERE -- THAT AN EXCLUSION IS
18 IMPROPER HERE, YOUR HONOR. THAT'S VERY IMPORTANT
19 TO US IN THIS CASE.

20 WHAT WE'VE GOT HERE IS AN OBJECTION --

21 THE COURT: GIVE ME ONE PARAGRAPH. OKAY?
22 BOTH SIDES GIVE ME ONE PARAGRAPH ON SLIDE 59.

23 ALL RIGHT. ARE WE READY TO GO?

24 THE CLERK: ALMOST.

25 DO YOU WANT ME TO GIVE COUNSEL COPIES OF

1 THIS AS WELL, THE QUESTIONNAIRE?

2 THE COURT: THAT'S FINE. THANK YOU.

3 (PAUSE IN PROCEEDINGS.)

4 THE CLERK: ARE WE READY TO HAVE THEM
5 BROUGHT IN?

6 THE COURT: YES, PLEASE.

7 (PAUSE IN PROCEEDINGS.)

8 THE CLERK: IF ALL THE POTENTIAL JURORS
9 COULD PLEASE STAND AND RAISE YOUR RIGHT HANDS,
10 PLEASE.

11 (PROSPECTIVE JURORS SWORN.)

12 JURORS: I DO.

13 THE CLERK: THANK YOU.

14 THOSE WHO HAVE A SEAT CAN SIT AND THE
15 REST OF YOU WON'T BE STANDING FOR LONG BECAUSE
16 WE'RE GOING TO CALL A BUNCH OF PEOPLE UP HERE.

17 OKAY. THE FIRST FEW NAMES, THE FIRST
18 SEVEN NAMES WILL GO IN THE BACK ROW, STARTING UP
19 HERE BY THE WATER COOLER, AND THE SECOND ROW WILL
20 GO THE SAME WAY, AND SAME FOR ALL THE OTHER ROWS.

21 CHAIR NUMBER 1 WILL BE SELFIA HALIM;
22 STEVE OKAMOTO; VELVIN HOGAN; TERRY BELLA;
23 LUZVIMINDA ROUGIERI; NICOLE FLAVIN; MARK BURGE;
24 LYNN LEROSE; MANUEL REYES; RONALD TRIPIANO;
25 MARICRUZ FRIESEN; CHRISTINE HUYNH; BRIAN BARRAGAN;

1 PETER CATHERWOOD; CASSANDRA PHAN; KYLE DEPRIEST;
2 SUNIL SHAH; CHRISTOPHER ROGERS; AVI TEPMAN; AARTI
3 MATHUR; MANUEL ILAGAN; DAVID DUNN; DENISE HOLLOWAY;
4 DAVID KRETZMANN; EVAN COYLE; SING WONG; MARK
5 FLADELAND; KERM LADWIG; AMIR SAYAH SINA; PAUL
6 WARMAN; JENNIFER DOMINGO; HARVEY THORPE; KWOKFU
7 CHIU; SHERRY HUMPHRY, AND ANASTACIA JARO.

8 (PAUSE IN PROCEEDINGS.)

9 THE COURT: OKAY. THANK YOU. WELL,
10 WELCOME. THANK YOU SO MUCH FOR YOUR SERVICE.

11 WE ARE GOING TO RESPECT YOUR TIME AND TRY
12 TO BE AS EFFICIENT AS POSSIBLE.

13 AND LET ME TELL YOU A LITTLE BIT ABOUT
14 THIS PARTICULAR CASE AND WHAT WE'RE ABOUT TO DO
15 THIS MORNING.

16 THIS CASE IS ENTITLED APPLE, INC., TO
17 WHICH I'LL REFER TO AS APPLE, VERSUS SAMSUNG
18 ELECTRONICS COMPANY, SAMSUNG ELECTRONICS AMERICA,
19 AND SAMSUNG TELECOMMUNICATIONS AMERICA, AND I WILL
20 REFER TO THOSE ENTITIES AS SAMSUNG.

21 AND IN THIS CASE, APPLE ACCUSES SAMSUNG
22 OF PATENT INFRINGEMENT; TRADE DRESS DILUTION AND
23 INFRINGEMENT; VIOLATION OF ANTITRUST LAW; AND
24 BREACH OF CONTRACT; AND SAMSUNG ACCUSES APPLE OF
25 PATENT INFRINGEMENT.

1 SO I THINK THAT IF YOU ARE ULTIMATELY
2 SELECTED AS A JUROR, THIS WILL BE A VERY
3 INTERESTING CASE AND WE WILL TRY TO KEEP THIS ON A
4 TIGHT TIME FRAME TO RESPECT YOUR TIME.

5 AND WHAT WE'RE DOING THIS MORNING IS A
6 PROCESS OF JURY SELECTION, WHICH MEANS THAT BOTH
7 SIDES ARE ENTITLED TO HAVE A FAIR AND IMPARTIAL
8 JURY.

9 WHAT THAT MEANS IS THAT WHOEVER IS
10 SELECTED AS A JUROR WOULD ULTIMATELY MAKE DECISIONS
11 BASED SOLELY ON THE EVIDENCE THAT'S ADMITTED DURING
12 THE TRIAL AND APPLY THE LAW ONLY AS I INSTRUCT YOU.

13 SO WE'RE GOING TO GO THROUGH A PROCESS
14 THIS MORNING TO HELP THE PARTIES AND THE COURT
15 IDENTIFY WHO MIGHT BE AN APPROPRIATE PERSON FOR
16 THIS JURY, AND IT MAY BE THAT YOU'RE NOT AN
17 APPROPRIATE PERSON FOR THIS JURY, BUT THERE MAY BE
18 OTHER TYPES OF CASES FOR WHICH YOU WOULD BE.

19 SO FIRST OF ALL, LET ME THANK YOU SO MUCH
20 FOR YOUR SERVICE. OUR WHOLE JURY SYSTEM WAS IN THE
21 CONSTITUTION. OUR FOREFATHERS THOUGHT IT WAS
22 IMPORTANT TO HAVE THE COMMUNITY, TO BRING IN
23 COMMUNITY VALUES, COMMUNITY WISDOM IN OUR JUSTICE
24 SYSTEM.

25 AND THERE ARE MANY COUNTRIES THROUGHOUT

1 THE WORLD WHO ACTUALLY ADMIRE OUR JURY SYSTEM AND
2 ARE ACTUALLY SLOWLY INCORPORATING IT INTO THEIR OWN
3 LEGAL SYSTEMS.

4 SO YOU ARE DOING A TREMENDOUS SERVICE AND
5 WE THANK YOU.

6 WITH THAT, LET'S GO AHEAD AND BEGIN.

7 NOW, I APOLOGIZE. WE'RE GOING TO ASK YOU
8 SOME QUESTIONS THAT ARE SOMEWHAT PERSONAL. IF AT
9 ANY POINT YOU WANT PRIVACY, JUST PLEASE LET ME
10 KNOW.

11 OBVIOUSLY THE PARTIES ARE ENTITLED TO BE
12 HERE, SO THERE WILL BE SOME PEOPLE IN THE
13 COURTROOM, BUT YOU WON'T HAVE QUITE THIS LARGE OF
14 AN AUDIENCE WHEN WE HAVE THAT MORE PRIVATE
15 DISCUSSION.

16 ALSO, THIS JURY SELECTION PROCESS IS
17 INTENDED TO BRING OUT ANY STRONG FEELINGS THAT YOU
18 MAY HAVE, ANY STRONG LIKES OR DISLIKES THAT MAY
19 AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES.

20 AND DURING THIS PROCESS, NO ONE IS HERE
21 TO JUDGE ANYONE AS A PERSON. IN FACT, IF YOU'RE
22 CANDID ABOUT YOUR STRONG LIKES AND DISLIKES, YOU'RE
23 ACTUALLY DOING WHAT WE'RE ASKING YOU TO DO AND WE
24 THANK YOU FOR YOUR FRANKNESS AND THAT IS JUST A WAY
25 THAT WE CAN JUST ENSURE THAT BOTH SIDES GET A FAIR

1 AND IMPARTIAL JURY.

2 OKAY. SO WITH THAT, LET ME ASK, BASED
3 ON -- NOW YOU KNOW WHO THE PARTIES ARE IN THE CASE
4 AND WHAT TYPES OF CLAIMS HAVE BEEN BROUGHT.

5 BASED ON THAT, DOES -- WOULD YOU RAISE
6 YOUR HAND IF YOU HAVE SUCH STRONG FEELINGS ABOUT
7 THIS CASE, THE PARTIES, WHAT THE CHARGES AND THE
8 CLAIMS ARE THAT YOU COULD NOT BE FAIR AND
9 IMPARTIAL. WOULD YOU RAISE UP YOUR JUROR NUMBERS?

10 OKAY. LET ME JUST QUICKLY -- RAISE THEM
11 UP. OKAY.

12 SO MR. TRIPIANO, IS THAT CORRECT?

13 PROSPECTIVE JUROR: YES.

14 THE COURT: AND IS IT MR. DEPRIEST?

15 PROSPECTIVE JUROR: YES.

16 THE COURT: AND MR. SHAH?

17 PROSPECTIVE JUROR: YEP.

18 THE COURT: OKAY. SO 16, DEPRIEST; 17,

19 MR. SHAH.

20 12, IS THAT MS. HUYNH?

21 PROSPECTIVE JUROR: YEAH.

22 THE COURT: OKAY. AND THEN I SAW A
23 COUPLE OTHERS -- OKAY. IS THAT MR. LADWIG? OKAY.
24 28, LADWIG.

25 ANYONE ELSE OTHER THAN THESE FIVE

1 INDIVIDUALS BASED ON WHO THIS CASE IS, WHAT THE
2 CLAIMS ARE, WHO WOULD NOT BE ABLE TO BE FAIR AND
3 IMPARTIAL?

4 OKAY. THE RECORD SHOULD REFLECT THAT NO
5 MORE HANDS HAVE BEEN RAISED.

6 AND I'M GOING TO GO THROUGH WITH THOSE
7 FIVE INDIVIDUALS IN PRIVATE, OKAY? SO YOU WILL BE
8 ABLE TO STATE YOUR REASONS, BUT WE'LL JUST DO THAT
9 A LITTLE LATER. OKAY?

10 LET'S MOVE ON.

11 NOW, IF YOU LOOK ON YOUR CHAIRS, THERE IS
12 A LIST OF LAWYERS, WITNESSES, AND LAW FIRMS THAT
13 ARE INVOLVED IN THIS CASE.

14 AND I WANT TO MAKE SURE YOU'RE NOT SCARED
15 OFF BY THE LENGTH OF THAT LIST. MANY OF THOSE
16 WITNESSES ARE NOT GOING TO BE CALLED, BUT JUST TO
17 MAKE SURE THAT BOTH SIDES GET A FAIR AND IMPARTIAL
18 JURY, WE DO HAVE TO ASK WHETHER YOU'RE FAMILIAR
19 WITH ANY OF THEM.

20 (PAUSE IN PROCEEDINGS.)

21 THE COURT: IF YOU WOULD LIKE MORE TIME
22 TO REVIEW THAT LIST OF ATTORNEYS, WITNESSES AND LAW
23 FIRMS, WOULD YOU PLEASE RAISE YOUR HAND?

24 THE RECORD SHOULD REFLECT THAT NO ONE HAS
25 RAISED THEIR HAND.

1 SO WHO KNOWS ANYONE ON THAT LIST? YOU'VE
2 HEARD ABOUT THEM, READ ABOUT THEM, YOU KNOW THEM,
3 YOU HAVE SOME PRIOR KNOWLEDGE OR ACQUAINTANCE WITH
4 ANY OF THEM?

5 IF YOU DO, WOULD YOU PLEASE RAISE YOUR
6 HAND?

7 OKAY. THAT'S MR. DEPRIEST; CORRECT?

8 PROSPECTIVE JUROR: YES, MA'AM.

9 THE COURT: OKAY. AND WHO IS IT THAT YOU
10 KNOW, SIR?

11 PROSPECTIVE JUROR: SCOTT FORSTALL AND
12 PHIL SCHILLER.

13 THE COURT: AND HOW DO YOU KNOW THEM?

14 PROSPECTIVE JUROR: I'M AN EMPLOYEE OF
15 APPLE COMPUTER AND THEY ARE APPLE EXECUTIVES.

16 THE COURT: I SEE.

17 ALL RIGHT. ANYONE ELSE KNOW ANY OF THE
18 ATTORNEYS, WITNESSES ON THE LIST, LAW FIRMS? IF
19 SO, PLEASE RAISE YOUR HAND.

20 NO HANDS HAVE BEEN RAISED.

21 OKAY. I APOLOGIZE. I SHOULD HAVE DONE
22 THIS FIRST. LET ME GIVE THE PARTIES AN OPPORTUNITY
23 TO IDENTIFY THEMSELVES. GO AHEAD, PLEASE.

24 MR. LEE: THANK YOU, YOUR HONOR. LADIES
25 AND GENTLEMEN, MY NAME IS BILL LEE. I'M ONE OF THE

1 LAWYERS REPRESENTING APPLE.

2 LET ME INTRODUCE TO YOU A FEW FOLKS.
3 FIRST, FROM APPLE, BRUCE SEWELL AND NOREEN KRALL.

4 AND THEN THE LAWYERS WHO WILL BE UP ON
5 THEIR FEET ASKING QUESTIONS DURING THE TRIAL
6 INCLUDE HAROLD MCELHINNY, MICHAEL JACOBS, RACHEL
7 KREVANS, JOE MUELLER, AND MARK SELWYN, SINCE WE ALL
8 KNOW YOUR NAMES.

9 AND DOUG GREEN AND JANEY LAIRD ARE ALSO
10 PART OF OUR TEAM.

11 THANK YOU, YOUR HONOR.

12 THE COURT: IF YOU KNOW OF, HAVE SEEN
13 BEFORE OR HAVE PRIOR ACQUAINTANCE OR FAMILIARITY
14 WITH ANY OF THOSE INDIVIDUALS WHO HAVE JUST BEEN
15 IDENTIFIED AND HAVE JUST STOOD UP, WOULD YOU PLEASE
16 RAISE YOUR HAND?

17 THE RECORD SHOULD REFLECT THAT NO HANDS
18 HAVE BEEN RAISED.

19 MR. VERHOEVEN, PLEASE.

20 MR. VERHOEVEN: GOOD MORNING. MY NAME IS
21 CHARLES VERHOEVEN AND I'M COUNSEL FOR SAMSUNG.

22 AND SOME OF THE LAWYERS HERE WHO ARE
23 GOING TO BE SPEAKING IN THIS CASE ARE
24 MR. BILL PRICE, KEVIN JOHNSON, AND WE HAVE
25 VICKI MAROULIS, MR. MIKE ZELLER OVER HERE.

1 AND AS PART OF OUR TEAM, WE ALSO HAVE
2 REIKO HASUIKE, AND FROM SAMSUNG, VICE-PRESIDENT
3 KEN KOREA IS HERE AS WELL.

4 THE COURT: IF ANY OF THE JURORS IN OUR
5 PANEL RECOGNIZE, HAVE MET BEFORE, KNOW OF, HEARD
6 OF, HAD ANY PRIOR ACQUAINTANCE OR RELATIONSHIP WITH
7 ANY OF THOSE INDIVIDUALS WHO HAVE JUST STOOD UP AND
8 BEEN INTRODUCED, WOULD YOU PLEASE RAISE YOUR HAND?

9 ALL RIGHT. THE RECORD SHOULD REFLECT
10 THAT NO HANDS HAVE BEEN RAISED.

11 NOW, LET ME ALSO INTRODUCE OUR COURT TEAM
12 HERE AND SEE IF YOU KNOW ANY OF US.

13 MY NAME IS LUCY KOH AND I WILL BE WITH
14 YOU THROUGHOUT THIS TRIAL AS YOUR JUDGE.

15 WE HAVE MARTHA PARKER BROWN, WHO'S OUR
16 COURTROOM DEPUTY. SHE WILL BE INTERFACING WITH YOU
17 QUITE A BIT, SO YOU'LL DEAL QUITE A LOT WITH
18 MARTHA.

19 AND WE ALSO HAVE LEE-ANNE SHORTRIDGE, WHO
20 IS OUR COURT REPORTER. SHE IS ACTUALLY
21 TRANSCRIBING WORD FOR WORD EVERYTHING THAT IS BEING
22 SAID.

23 SO IF YOU WOULD, PLEASE, SPEAK OUT IN
24 YOUR ANSWER. SHE WILL NOT BE ABLE TO RECORD A
25 NODDING OR SHAKING OF THE HEAD. YOU'LL NEED TO

1 SPEAK OUT SO THAT SHE CAN CREATE A CLEAR TRANSCRIPT
2 FOR US.

3 I ALSO HAVE LAW CLERKS AND EXTERNS WHO
4 ARE LAW STUDENTS WHO ARE HELPING ME DURING THIS
5 SUMMER, MANY OF WHOM WILL ALL BE LEAVING DURING
6 THIS TRIAL, BUT IF YOU RECOGNIZE ANY OF OUR TEAM --
7 I'M GOING TO STATE THEIR NAMES AS WELL -- I'D LIKE
8 YOU TO RAISE YOUR HAND AND LET US KNOW IF YOU KNOW
9 OF ANY OF THESE INDIVIDUALS.

10 LAURIE DEAN, CONNIE CHAN, THOMAS FU. I
11 HAVE OTHER FOLKS WHO ARE LEAVING BUT WHO PREVIOUSLY
12 WORKED ON THIS CASE AS WELL, JUAN VALDIEVIESO,
13 ASHER HODES, DANIEL KUO, KATE WEIS, MONICA LIENKE.

14 DOES ANYONE RECOGNIZE ANY OF THOSE NAMES,
15 HAVE HEARD OF THEM, HAD ANY PRIOR ACQUAINTANCE WITH
16 ANYONE?

17 IF YOU HAVE, WOULD YOU PLEASE RAISE YOUR
18 HAND.

19 THE RECORD SHOULD REFLECT THAT NO ONE HAS
20 RAISED THEIR HAND.

21 OKAY. WELL, LET'S GET INTO THE QUESTION
22 OF DO YOU, A FAMILY MEMBER, CLOSE FRIEND, WORK FOR
23 OR HAVE EVER WORKED FOR APPLE, SAMSUNG, GOOGLE, OR
24 MOTOROLA? SO I THINK A LOT OF HANDS ARE GOING TO
25 GO UP. LET'S SEE.

1 OKAY. LET'S -- IF IT'S ALL RIGHT, LET'S
2 JUST START WITH SEAT NUMBER 1 AND WE'LL JUST GO
3 DOWN EACH ROW.

4 OKAY. GO AHEAD, PLEASE IS IT MS. HALIM.

5 PROSPECTIVE JUROR: YES.

6 THE COURT: GO AHEAD, PLEASE.

7 PROSPECTIVE JUROR: I HAVE A FRIEND WHO
8 WORKS AT APPLE.

9 THE COURT: OKAY. AND WOULD THAT IN ANY
10 WAY AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES IN
11 THIS CASE?

12 PROSPECTIVE JUROR: MAY NOT BE.

13 THE COURT: YOU'RE NOT SURE?

14 PROSPECTIVE JUROR: I'M NOT SURE.

15 THE COURT: HAS THAT PERSON TOLD YOU
16 ANYTHING ABOUT THIS CASE?

17 PROSPECTIVE JUROR: NO.

18 THE COURT: ALL RIGHT. WOULD THAT, YOUR
19 FRIENDSHIP, WOULD -- IS IT A CURRENT EMPLOYEE?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: OKAY. YOU EXPRESSED SOME
22 HESITATION ABOUT WHETHER THAT WOULD AFFECT YOUR
23 ABILITY TO BE FAIR AND IMPARTIAL. IS THAT BECAUSE
24 YOU MIGHT SHOW SOME SYMPATHY TOWARDS ONE SIDE OR
25 THE OTHER? OR TELL US A LITTLE BIT ABOUT THAT.

1 PROSPECTIVE JUROR: IT MIGHT.

2 BUT ON THE OTHER HAND, I -- WELL, I'M
3 ABOUT TO BUY A SMARTPHONE AND I'M NOT SURE WHICH
4 ONE I'M GOING TO BUY STILL, SO THAT --

5 (LAUGHTER.)

6 PROSPECTIVE JUROR: SO THAT MAKES ME
7 THINK THAT MAYBE I'M NOT THAT PARTIAL, SO THAT'S
8 ALL.

9 BUT MY FRIEND THAT I HAVE AT APPLE IS
10 PRETTY CLOSE FRIEND.

11 THE COURT: LET ME ASK, DURING THE COURSE
12 OF THIS TRIAL, COULD YOU NOT SEE THAT FRIEND AND
13 NOT TALK TO THAT FRIEND OR WOULD THAT BE A
14 DIFFICULTY FOR YOU?

15 PROSPECTIVE JUROR: YEAH, I COULD.

16 THE COURT: ALL RIGHT. BECAUSE I'M GOING
17 TO ASK YOU TO DO THAT.

18 PROSPECTIVE JUROR: I SEE. OKAY.

19 THE COURT: AND YOU CAN DO THAT; RIGHT?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: OKAY. DURING THIS TRIAL
22 YOU'RE GOING TO HEAR EVIDENCE BEING ADMITTED AND
23 I'M GOING TO INSTRUCT YOU ON THE LAW. CAN YOU BASE
24 YOUR VERDICT, YOUR DECISION IN THIS CASE, SOLELY ON
25 WHAT YOU HEAR THAT'S ADMITTED DURING THIS TRIAL AND

1 THE LAW AS I INSTRUCT YOU?

2 PROSPECTIVE JUROR: YES.

3 THE COURT: OKAY. SO IF I -- YOU'RE
4 GOING TO GET A JURY INSTRUCTION THAT YOU CANNOT
5 BASE YOUR DECISION ON ANY SYMPATHY, PREJUDICE, LIKE
6 OR DISLIKE.

7 CAN YOU DO THAT?

8 PROSPECTIVE JUROR: YES.

9 THE COURT: OKAY. THANK YOU.

10 LET'S GO TO MR. OKAMOTO, PLEASE.

11 PROSPECTIVE JUROR: YES. SO -- HELLO.

12 YEAH.

13 SO I'M CURRENTLY EMPLOYED AT GOOGLE
14 AND -- YEAH, SO THAT I RAISED MY HAND.

15 THE COURT: ALL RIGHT. WHAT DO YOU DO AT
16 GOOGLE?

17 PROSPECTIVE JUROR: SO I'M A USER
18 INTERFACE DESIGNER.

19 THE COURT: OKAY. AND WOULD THAT IN ANY
20 WAY AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN
21 THIS CASE?

22 PROSPECTIVE JUROR: I DON'T BELIEVE SO.

23 THE COURT: OKAY. WOULD YOU BASE YOUR
24 DECISION, IF YOU'RE SELECTED AS A JUROR, SOLELY ON
25 THE EVIDENCE THAT'S ADMITTED DURING THIS TRIAL AND

1 APPLY THE LAW AS I INSTRUCT YOU?

2 PROSPECTIVE JUROR: YES.

3 THE COURT: OKAY. CAN YOU SET ASIDE ANY
4 SYMPATHIES, PREJUDICES, LIKES, DISLIKES?

5 PROSPECTIVE JUROR: YES.

6 THE COURT: OKAY. THANK YOU.

7 WHO ELSE IN ROW 1?

8 ALL RIGHT. NO HANDS HAVE BEEN RAISED.

9 LET'S GO TO ROW 2. WHO ELSE IN ROW 2 HAS
10 A FAMILY MEMBER, CLOSE FRIEND OR YOU YOURSELF EVER
11 WORKED FOR APPLE, SAMSUNG, GOOGLE OR MOTOROLA?
12 NUMBER 13.

13 ALL RIGHT. MR. BARRAGAN, GO AHEAD,
14 PLEASE.

15 PROSPECTIVE JUROR: I HAVE A FRIEND WHO
16 WORKS AT APPLE.

17 THE COURT: WHO USED TO OR CURRENTLY?

18 PROSPECTIVE JUROR: CURRENTLY.

19 THE COURT: OH. AND WHAT IS THAT
20 PERSON'S JOB?

21 PROSPECTIVE JUROR: I DON'T KNOW.

22 THE COURT: LET ME ACTUALLY GO BACK TO
23 MS. HALIM. WHAT DOES YOUR FRIEND AT APPLE DO?

24 PROSPECTIVE JUROR: ASIC DESIGN FOR IPAD
25 AND IPHONE.

1 THE COURT: I'M SORRY, MR. BARRAGAN. LET
2 ME GO BACK TO MS. HALIM A MOMENT.

3 HAVE YOU SPOKEN TO YOUR FRIEND ABOUT HER
4 ACTUAL JOB?

5 PROSPECTIVE JUROR: NO, NOT -- NOT IN
6 DETAIL, BUT I KNOW HE, HE DOES ASIC DESIGN.

7 THE COURT: AND WHAT DO YOU YOURSELF DO?

8 PROSPECTIVE JUROR: I USED TO BE
9 ENGINEER, BUT NOW I WORK FOR A START-UP, MOSTLY ON
10 THE OPERATING AND FINANCE.

11 THE COURT: AND HOW DID YOU MEET THIS
12 FRIEND WHO CURRENTLY WORKS AT APPLE?

13 PROSPECTIVE JUROR: WE USED TO WORK
14 TOGETHER FOR A LONG TIME AT CISCO.

15 THE COURT: I SEE. OKAY. ALL RIGHT.
16 THANK YOU.

17 LET'S GO BACK TO MR. BARRAGAN. YOUR
18 FRIEND AT APPLE, HOW DO YOU KNOW THIS FRIEND?

19 PROSPECTIVE JUROR: I USED TO WORK WITH
20 HIM AT MY CURRENT EMPLOYER.

21 THE COURT: WHO IS YOUR CURRENT EMPLOYER?

22 PROSPECTIVE JUROR: SPACE SYSTEMS LORAL.

23 THE COURT: AND HOW OFTEN DO YOU SEE THIS
24 FRIEND?

25 PROSPECTIVE JUROR: I DON'T SEE HIM IN

1 PERSON. IT'S MAINLY THROUGH TEXTING AND PHONE.

2 THE COURT: OKAY. HAVE YOU SPOKEN WITH
3 THIS FRIEND AT ALL ABOUT THIS CASE?

4 PROSPECTIVE JUROR: NO.

5 THE COURT: OKAY. HOW FREQUENTLY DO YOU
6 TEXT AND PHONE YOUR FRIEND?

7 PROSPECTIVE JUROR: MAYBE FOUR OR FIVE
8 TIMES A WEEK. A LITTLE LESS THAN THAT I GUESS.

9 THE COURT: OKAY. I WOULD -- I WILL
10 INSTRUCT YOU, IF YOU'RE SELECTED AS A JUROR, THAT
11 YOU ARE NOT TO HAVE CONTACT WITH THAT FRIEND. CAN
12 YOU DO THAT?

13 PROSPECTIVE JUROR: YES.

14 THE COURT: ALL RIGHT. WOULD YOUR
15 RELATIONSHIP WITH THIS FRIEND AFFECT YOUR ABILITY
16 TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS
17 CASE?

18 PROSPECTIVE JUROR: NO.

19 THE COURT: ALL RIGHT. YOU WOULD DECIDE
20 THIS CASE SOLELY BASED ON THE EVIDENCE THAT'S
21 ADMITTED AT THIS TRIAL AND APPLYING THE LAW AS I
22 INSTRUCT YOU?

23 PROSPECTIVE JUROR: THAT IS CORRECT.

24 THE COURT: OKAY. THANK YOU.

25 LET'S GO TO THE THIRD ROW. I THINK THERE

1 WERE A COUPLE OF HANDS RAISED.

2 LET'S GO TO MS. PHAN.

3 PROSPECTIVE JUROR: OKAY. I HAVE A
4 FRIEND WHO WORKS AT GOOGLE, A FRIEND THAT WORKS AT
5 APPLE, AND A FRIEND WHO WORKS AT -- WHO WAS THE
6 OTHER COMPANY?

7 THE COURT: THEY WERE MOTOROLA AND
8 SAMSUNG WERE THE OTHER TWO COMPANIES.

9 PROSPECTIVE JUROR: OKAY. THEN THAT'S
10 IT.

11 THE COURT: THAT'S IT. OKAY. CAN YOU
12 TELL ME, YOUR FRIEND THAT IS AT GOOGLE, IS HE OR
13 SHE CURRENTLY AT GOOGLE?

14 PROSPECTIVE JUROR: YEAH.

15 THE COURT: AND WHAT DOES HE OR SHE DO?

16 PROSPECTIVE JUROR: I DON'T REMEMBER.

17 THE COURT: OKAY. AND HOW DO YOU KNOW
18 THIS FRIEND?

19 PROSPECTIVE JUROR: I'VE KNOWN HIM SINCE
20 HIGH SCHOOL.

21 THE COURT: OKAY. AND HOW FREQUENTLY DO
22 YOU HAVE CONTACT WITH HIM?

23 PROSPECTIVE JUROR: ONCE OR TWICE A
24 MONTH.

25 THE COURT: ONCE OR TWICE A MONTH. AND

1 THAT'S JUST SOCIAL?

2 PROSPECTIVE JUROR: WE'RE BOTH IN A
3 NONPROFIT ORGANIZATION, SO HE HELPS OUT WITH CIRCLE
4 K.

5 THE COURT: I WOULD INSTRUCT YOU NOT TO
6 HAVE ANY CONTACT WITH THIS PERSON DURING THE
7 DURATION OF THIS TRIAL. CAN YOU DO THAT?

8 PROSPECTIVE JUROR: I COULD DO THAT.

9 THE COURT: OKAY. WOULD YOUR
10 RELATIONSHIP WITH YOUR FRIEND AT GOOGLE IN ANY WAY
11 IMPACT YOUR ABILITY TO BE FAIR TO BOTH SIDES?

12 PROSPECTIVE JUROR: I COULD BE FAIR.

13 THE COURT: OKAY. LET ME HEAR ABOUT YOUR
14 FRIEND AT APPLE. CURRENT OR PAST EMPLOYEE?

15 PROSPECTIVE JUROR: CURRENT.

16 THE COURT: AND DO YOU KNOW WHAT THE JOB
17 IS?

18 PROSPECTIVE JUROR: NO. SHE'S JUST KNOWN
19 ME SINCE I WAS A KID, BUT WE DON'T REALLY TALK
20 ABOUT JOB STUFF.

21 THE COURT: ALL RIGHT. HOW FREQUENTLY DO
22 YOU HAVE CONTACT WITH THIS FRIEND AT APPLE?

23 PROSPECTIVE JUROR: PROBABLY ONCE EVERY
24 TWO MONTHS.

25 THE COURT: SOCIAL OR SOME OTHER CONTACT?

1 PROSPECTIVE JUROR: FAMILY STUFF. NOT
2 DIRECT FAMILY. SHE'S JUST -- I JUST KNOW HER
3 THROUGH MY COUSIN BECAUSE -- A LOT OF, LIKE,
4 CAMPING EVENTS WITH FAMILY AND GIRL SCOUTS AND
5 STUFF.

6 THE COURT: DID YOU SAY GIRL SCOUTS?

7 PROSPECTIVE JUROR: KIND OF, YEAH.

8 THE COURT: ALL RIGHT. NOW, I WILL
9 INSTRUCT YOU THAT YOU ARE NOT TO HAVE ANY CONTACT
10 WITH THAT PERSON DURING THIS TRIAL. CAN YOU DO
11 THAT?

12 PROSPECTIVE JUROR: NO PROBLEM.

13 THE COURT: ALL RIGHT. ANYTHING ABOUT
14 YOUR RELATIONSHIP WITH THIS FRIEND WHO CURRENTLY
15 WORKS AT APPLE THAT WOULD AFFECT YOUR ABILITY TO BE
16 FAIR AND IMPARTIAL TO BOTH SIDES IN THIS CASE?

17 PROSPECTIVE JUROR: I COULD BE FAIR.

18 THE COURT: OKAY. ALL RIGHT. THANK YOU.

19 LET'S -- MR. DEPRIEST, YOU'RE A CURRENT
20 APPLE EMPLOYEE; CORRECT?

21 PROSPECTIVE JUROR: YES, MA'AM.

22 THE COURT: AND WHAT'S YOUR JOB THERE?

23 PROSPECTIVE JUROR: I'M A Q.A. ENGINEER
24 FOR THE ICLOUD PRODUCT.

25 THE COURT: ALL RIGHT. THANK YOU.

1 MR. SHAH, YOU RAISED YOUR HAND. GO
2 AHEAD.

3 PROSPECTIVE JUROR: YEAH. MY SON WORKS
4 AT APPLE.

5 THE COURT: OKAY. AND WHAT DOES YOUR SON
6 DO?

7 PROSPECTIVE JUROR: HE'S IN THE LEGAL
8 DEPARTMENT, CORPORATE LAW.

9 THE COURT: ALL RIGHT. HAS HE HAD ANY
10 INVOLVEMENT IN THIS CASE THAT YOU KNOW OF?

11 PROSPECTIVE JUROR: WELL, WE DON'T TALK
12 ABOUT --

13 THE COURT: HIS WORK?

14 PROSPECTIVE JUROR: -- THE CASES, YES.

15 THE COURT: AND HE'S A CURRENT EMPLOYEE;
16 CORRECT?

17 PROSPECTIVE JUROR: YES.

18 THE COURT: ALL RIGHT. WELL, WE'LL DELVE
19 INTO THAT A LITTLE LATER.

20 ANYONE ELSE? I THINK, MR. TEPMAN, YOU --

21 PROSPECTIVE JUROR: I HAVE A QUESTION.

22 THE COURT: OKAY. MR. ROGERS?

23 PROSPECTIVE JUROR: I DON'T HAVE ANYONE
24 WHO WORKS AT APPLE, BUT DO I KNOW MY GRANDPARENTS
25 HAVE STOCK. IS THAT RELEVANT AT THIS TIME?

1 THE COURT: YES. THAT WAS GOING TO BE MY
2 NEXT QUESTION.

3 PROSPECTIVE JUROR: SO SHOULD I PASS IT
4 ON AND TALK ABOUT THAT LATER?

5 THE COURT: NO, GO AHEAD. SO YOU'RE
6 GRANDPARENTS CURRENTLY OWN STOCK IN APPLE. IS THAT
7 RIGHT?

8 PROSPECTIVE JUROR: YES.

9 THE COURT: ARE YOU A BENEFICIARY ON
10 THEIR INVESTMENT OR ANYTHING LIKE THAT?

11 PROSPECTIVE JUROR: NOT DIRECTLY. I
12 THINK BOTH THEY AND MY PARENTS WOULD HAVE TO PASS
13 ON FOR ME TO BENEFIT FROM THAT AT ALL.

14 THE COURT: OKAY. WOULD THAT IN ANY WAY,
15 YOUR POTENTIAL FINANCIAL BENEFIT IN ANY WAY, OR
16 ANYTHING ABOUT YOUR GRANDPARENTS' INVESTMENT AFFECT
17 YOUR ABILITY TO BE FAIR AND IMPARTIAL IN THIS CASE?

18 PROSPECTIVE JUROR: I DON'T THINK SO.
19 I'M FAIRLY CERTAIN IT WOULDN'T.

20 THE COURT: ALL RIGHT. WOULD YOU DECIDE
21 THIS CASE BASED SOLELY ON THE EVIDENCE THAT'S
22 ADMITTED DURING THIS TRIAL AND APPLY THE LAW AS I
23 INSTRUCT YOU?

24 PROSPECTIVE JUROR: YES.

25 THE COURT: OKAY. AND YOU'LL SET ASIDE

1 ANY SYMPATHIES OR LIKES OR DISLIKES?

2 PROSPECTIVE JUROR: YES.

3 THE COURT: OKAY. ALL RIGHT. THANK YOU.

4 LET'S GO TO MR. TEPMAN, PLEASE.

5 PROSPECTIVE JUROR: YEAH, MY SON WORKS IN
6 GOOGLE. HE'S AN ECONOMIST.

7 THE COURT: HE'S CURRENTLY AN ECONOMIST
8 AT GOOGLE?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: OKAY. HAVE YOU SPOKEN WITH
11 YOUR SON ABOUT THIS CASE?

12 PROSPECTIVE JUROR: NO.

13 THE COURT: ALL RIGHT. WOULD YOUR SON'S
14 CURRENT EMPLOYMENT AT GOOGLE IN ANY WAY AFFECT YOUR
15 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN
16 THIS CASE?

17 PROSPECTIVE JUROR: I DON'T THINK SO.

18 THE COURT: ALL RIGHT. THANK YOU.

19 WHO ELSE ON THE THIRD ROW? NO ONE ELSE?

20 ALL RIGHT. CAN WE PLEASE GO -- DID

21 ANYONE RAISE THEIR HAND IN THE FOURTH ROW? NO. NO
22 HANDS HAVE BEEN RAISED.

23 FIFTH ROW.

24 ALL RIGHT. LET'S GO TO MR., IS IT
25 FLADELAND?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: ALL RIGHT. IF YOU COULD
3 PLEASE TAKE THE MICROPHONE AND -- OKAY. GO AHEAD,
4 PLEASE.

5 PROSPECTIVE JUROR: TWO FRIENDS. ONE IS
6 A CURRENT EMPLOYEE OF APPLE; ONE IS A FORMER
7 EMPLOYEE OF APPLE AND NOW HE WORKS FOR AMAZON.

8 THE COURT: AND WHAT IS THE CONTEXT IN
9 WHICH YOU KNOW THESE TWO FRIENDS?

10 PROSPECTIVE JUROR: JUST FRIENDS I'VE
11 KNOWN SEVEN, EIGHT YEARS.

12 THE COURT: HOW FREQUENTLY DO YOU
13 INTERACT WITH THE CURRENT EMPLOYEE OF APPLE?

14 PROSPECTIVE JUROR: A COUPLE OF TIMES A
15 MONTH.

16 THE COURT: IF I ASKED YOU -- OR I WOULD
17 INSTRUCT YOU NOT TO HAVE ANY CONTACT WHATSOEVER, NO
18 TWEETS, NO FACEBOOK, NO NOTHING WITH THAT PERSON
19 DURING THE COURSE OF THIS TRIAL, CAN YOU DO THAT?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: ALL RIGHT. HAS THAT CURRENT
22 EMPLOYEE TOLD YOU ANYTHING ABOUT THIS CASE?

23 PROSPECTIVE JUROR: NO.

24 THE COURT: ALL RIGHT. WHAT ABOUT THE
25 FORMER APPLE EMPLOYEE WHO IS NOW AT AMAZON? HOW

1 FREQUENTLY DO YOU INTERACT WITH THAT PERSON?

2 PROSPECTIVE JUROR: MAYBE ONCE A MONTH.

3 THE COURT: IS THAT IN PERSON OR JUST BY
4 ELECTRONIC --

5 PROSPECTIVE JUROR: USUALLY IN PERSON.

6 THE COURT: OKAY. AND I WOULD INSTRUCT
7 YOU NOT TO HAVE ANY CONTACT WITH THAT PERSON DURING
8 THIS TRIAL. CAN YOU DO THAT?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: OKAY. HAS THAT PERSON AT ALL
11 COMMENTED TO YOU ABOUT THIS CASE?

12 PROSPECTIVE JUROR: NO.

13 THE COURT: ALL RIGHT. ANYTHING ABOUT
14 EITHER OF THOSE RELATIONSHIPS THAT WOULD AFFECT
15 YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES
16 IN THIS CASE?

17 PROSPECTIVE JUROR: NO.

18 THE COURT: OKAY. THANK YOU.

19 MR. LADWIG, I THINK YOU RAISED YOUR
20 NUMBER. GO AHEAD, PLEASE.

21 PROSPECTIVE JUROR: I'M A TEN YEAR FORMER
22 EMPLOYEE, PAST EMPLOYEE OF MOTOROLA.

23 THE COURT: ALL RIGHT. DO YOU HAVE ANY
24 CURRENT RELATIONSHIPS WITH MOTOROLA?

25 PROSPECTIVE JUROR: NOT REALLY, NO.

1 THE COURT: OKAY. WOULD YOUR PREVIOUS
2 EMPLOYMENT AT MOTOROLA AFFECT YOUR ABILITY TO BE
3 FAIR AND IMPARTIAL IN THIS CASE?

4 PROSPECTIVE JUROR: I DON'T BELIEVE SO.

5 THE COURT: ALL RIGHT. THANK YOU.

6 ANYONE ELSE ON ROW FIVE?

7 OKAY. LET'S GO TO ROW 6. DID ANYONE
8 RAISE YOUR CARD IN RESPONSE TO THIS QUESTION?

9 OKAY. THE RECORD SHOULD REFLECT THAT NO
10 HANDS HAVE BEEN RAISED.

11 ALL RIGHT. NOW, LET'S GO TO THE STOCK
12 QUESTION THAT MR. ROGERS HAS ALREADY ANSWERED, BUT
13 LET'S SEE, WHO ELSE -- DO YOU, A FAMILY MEMBER,
14 CLOSE FRIEND HAVE ANY BUSINESS RELATIONSHIP -- AND
15 I'M GOING TO INCLUDE IN THIS QUESTION EITHER YOU
16 OWN STOCK OR YOU'RE A CONTRACTOR OR DO SOME KIND OF
17 CONSULTING WORK OR -- AND I DON'T MEAN A RETAIL
18 CUSTOMER, BUT SORT OF A BIGGER CUSTOMER/SUPPLIER,
19 THAT KIND OF RELATIONSHIP WITH APPLE, SAMSUNG,
20 GOOGLE OR MOTOROLA?

21 WOULD YOU RAISE YOUR HAND, PLEASE.

22 ALL RIGHT. LET'S -- IT LOOKS LIKE THERE
23 ARE FOUR.

24 LET'S GO TO MR. OKAMOTO, PLEASE. IS THE
25 MICROPHONE -- WOULD YOU PLEASE PASS THAT BACK?

1 PROSPECTIVE JUROR: SO BEING A GOOGLE
2 EMPLOYEE, I HAVE GOOGLE STOCK OPTIONS, BUT I DON'T
3 HAVE ANYTHING WITH APPLE OR SAMSUNG.

4 THE COURT: ALL RIGHT. AND WOULD YOUR
5 STOCK OWNERSHIP AFFECT YOUR ABILITY TO BE FAIR AND
6 IMPARTIAL TO BOTH SIDES IN THIS CASE?

7 PROSPECTIVE JUROR: NO.

8 THE COURT: ALL RIGHT. THANK YOU.

9 I BELIEVE WE HAD -- I GUESS NEXT WAS
10 MR. LADWIG, AND WHO ELSE RAISED THEIR HAND? OKAY.
11 LET'S GO TO MR. DEPRIEST AND MR. SHAH.

12 PROSPECTIVE JUROR: I OWN STOCK IN APPLE
13 COMPUTER.

14 THE COURT: ALL RIGHT. AND WOULD THAT
15 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN
16 THIS CASE?

17 PROSPECTIVE JUROR: NOT MY STOCK
18 HOLDINGS, NO.

19 THE COURT: ALL RIGHT. BUT OTHER REASONS
20 WE'LL GET INTO IN A MINUTE.

21 OKAY. LET ME ASK MR. SHAH, OTHER THAN
22 YOUR --

23 PROSPECTIVE JUROR: YES, MY SON AND I OWN
24 STOCK, AND I'VE DONE CONSULTING WORK AT APPLE.

25 THE COURT: OKAY. SO YOU AND YOUR SON

1 OWN STOCK IN APPLE?

2 PROSPECTIVE JUROR: YEP.

3 THE COURT: AND YOU HAVE DONE -- WHAT
4 KIND OF CONSULTING WORK HAVE YOU DONE FOR APPLE?

5 PROSPECTIVE JUROR: COMPLIANCE ON
6 SARBAINS-OXLEY, AND I DID CONSULTING.

7 THE COURT: WOULD YOU AND YOUR SON'S
8 STOCK OWNERSHIP AND YOUR CONSULTING WORK FOR APPLE
9 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO
10 BOTH SIDES IN THIS CASE?

11 PROSPECTIVE JUROR: I DON'T THINK SO.

12 THE COURT: ALL RIGHT. THANK YOU.

13 LET'S GO -- I KNOW MR. LADWIG. ANYONE
14 ELSE IN ROW 3, 4, 5 AND 6? WERE YOU GOING TO RAISE
15 YOUR HAND?

16 PROSPECTIVE JUROR: YEAH.

17 THE COURT: OKAY. GO AHEAD, PLEASE.

18 PROSPECTIVE JUROR: SO MY COMPANY IS
19 DOING VOICE OVER I.P. AND A LOT OF OUR CUSTOMER
20 USES GOOGLE VOICE FOR THEIR SERVICE.

21 THE COURT: AND WHAT'S THE NAME OF YOUR
22 COMPANY?

23 PROSPECTIVE JUROR: OBIHAI TECHNOLOGY.

24 THE COURT: OKAY. IS THERE ANYTHING
25 ABOUT YOUR COMPANY'S RELATIONSHIP WITH GOOGLE THAT

1 WOULD AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL
2 TO BOTH SIDES IN THIS CASE?

3 PROSPECTIVE JUROR: NO.

4 THE COURT: OKAY. THANK YOU.

5 WHO ELSE RAISED THEIR HAND IN RESPONSE TO
6 THAT QUESTION?

7 OKAY. SO WE HAVE MR. LADWIG AND
8 MR. WARMAN.

9 ALL RIGHT. WOULD YOU PLEASE PASS THE
10 MICROPHONE FORWARD?

11 OKAY. LET'S GO TO MR. LADWIG.

12 PROSPECTIVE JUROR: I'M AN APPLE
13 SHAREHOLDER.

14 THE COURT: OKAY. WOULD THAT IN ANY WAY
15 IMPACT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN
16 THIS CASE?

17 PROSPECTIVE JUROR: I HAVE SEVERAL
18 THOUSAND REASONS TO FIND IN FAVOR OF APPLE, BUT I
19 COULD TRY TO BE FAIR.

20 THE COURT: ALL RIGHT. WELL, WE'LL --
21 OKAY. WE'LL GET INTO THAT IN PRIVATE.

22 OKAY. LET'S GO TO MR. WARMAN.

23 PROSPECTIVE JUROR: I WORKED FOR APPLE
24 YEARS AGO DOING A CONSULTING PROJECT.

25 THE COURT: HOW LONG AGO WAS THAT?

1 PROSPECTIVE JUROR: I THINK 2004 OR '05.

2 THE COURT: AND HOW LONG -- WHAT WAS THE
3 DURATION OF YOUR CONSULTING PROJECT?

4 PROSPECTIVE JUROR: I WAS PROBABLY THERE
5 ABOUT FIVE WEEKS.

6 THE COURT: ANYTHING ABOUT THAT
7 CONSULTING PROJECT THAT WOULD AFFECT YOUR ABILITY
8 TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS
9 CASE?

10 PROSPECTIVE JUROR: NO.

11 THE COURT: ALL RIGHT. THANK YOU.

12 DID ANYONE ELSE RAISE THEIR HAND TO THIS
13 QUESTION ABOUT THE BUSINESS RELATIONSHIP?

14 PROSPECTIVE JUROR: I HAVE A QUESTION.

15 THE COURT: YES? AND THAT'S MR. ROGERS.

16 PROSPECTIVE JUROR: WOULD I BE ASKED TO
17 NOT TALK TO MY GRANDMOTHER DURING THE ENTIRE CASE
18 OF THE TRIAL?

19 THE COURT: OH, THAT'S REALLY HARD. I'M
20 NOT GOING TO MAKE YOU DO THAT. BUT I'M GOING TO
21 SAY THAT IF YOU GET SELECTED, YOU CANNOT --

22 PROSPECTIVE JUROR: TALK ABOUT THE CASE?

23 THE COURT: AT ALL.

24 PROSPECTIVE JUROR: I WOULD CERTAINLY BE
25 WILLING TO DO THAT.

1 THE COURT: YOU CAN DO THAT; RIGHT?

2 PROSPECTIVE JUROR: YEAH, I CAN.

3 THE COURT: OKAY. ALL RIGHT. AND I --
4 YOU KNOW, ONCE -- I WILL GIVE YOU AN INSTRUCTION
5 THAT YOU CANNOT EVEN TALK TO EACH OTHER ABOUT THIS
6 CASE. YOU SHOULD TALK TO NO ONE. IF YOU'RE
7 SELECTED ON THE JURY, YOU SHOULD TALK TO NO ONE
8 ABOUT THIS CASE. YOU CAN ONLY TALK ABOUT IT WITH
9 YOUR FELLOW JURORS ONCE EVERYTHING IS DONE AND YOU
10 GO TO THE JURY DELIBERATION ROOM.

11 CAN YOU DO THAT?

12 PROSPECTIVE JUROR: (NODS HEAD UP AND
13 DOWN.)

14 THE COURT: OKAY. AND YOU WILL FIND THAT
15 ONCE PEOPLE KNOW YOU'RE ON THIS CASE, YOUR
16 NEIGHBOR, YOUR UNCLE, EVERYONE IS GOING TO HAVE A
17 VIEWPOINT AND YOU HAVE TO SAY "STOP. I'M SORRY.
18 THE JUDGE TOLD ME THAT I CANNOT HEAR ANY COMMENTS
19 ABOUT THIS CASE. I'D BE HAPPY TO TALK WITH YOU AT
20 A LATER POINT."

21 CAN YOU DO THAT?

22 PROSPECTIVE JUROR: (NODS HEAD UP AND
23 DOWN.)

24 THE COURT: ALL RIGHT. NOW, HOW MANY OF
25 YOU HAVE READ ANY BOOKS ABOUT APPLE OR SAMSUNG?

1 OKAY. IT LOOKS LIKE WE HAVE A FEW HANDS
2 IN ROW 1 THROUGH 3.

3 OKAY. LET'S GO TO MS. HALIM.

4 PROSPECTIVE JUROR: I'VE READ STEVE JOBS'
5 BOOK.

6 THE COURT: OKAY. AND -- OKAY. WOULD
7 READING THAT BOOK AFFECT YOUR ABILITY TO BE FAIR
8 AND IMPARTIAL TO BOTH SIDES IN THIS CASE?

9 PROSPECTIVE JUROR: NO.

10 THE COURT: ALL RIGHT. NOW -- AND WOULD
11 YOU STILL DECIDE THIS CASE BASED SOLELY ON THE
12 EVIDENCE THAT'S ADMITTED DURING THIS TRIAL?

13 PROSPECTIVE JUROR: YES.

14 THE COURT: OKAY. ALL RIGHT. ANYTHING
15 ABOUT THAT BOOK MAKE YOU LIKE OR DISLIKE ANY OF THE
16 COMPANIES INVOLVED IN THIS CASE?

17 PROSPECTIVE JUROR: NO, NO. I ACTUALLY,
18 YOU KNOW, THE TECHNOLOGY IS SPREAD, RIGHT? IT'S --
19 PEOPLE USE TECHNOLOGY AND IMPROVE UPON IT, SO I
20 DON'T -- I DON'T SEE, YOU KNOW --

21 THE COURT: OKAY.

22 PROSPECTIVE JUROR: -- THAT IT WOULD MAKE
23 ME TO LIKE OR DISLIKE ONE.

24 THE COURT: OR THE OTHER? YOU CAN BE
25 FAIR TO BOTH SIDES IN THIS CASE?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: OKAY. SO MR. OKAMOTO, WHAT
3 BOOK HAVE YOU READ, SIR?

4 PROSPECTIVE JUROR: SO I ACTUALLY READ
5 THE STEVE JOBS BOOK.

6 THE COURT: OKAY. ANYTHING ABOUT THAT
7 BOOK THAT WOULD AFFECT YOUR ABILITY TO BE FAIR AND
8 IMPARTIAL TO BOTH SIDES IN THIS CASE?

9 PROSPECTIVE JUROR: NO.

10 THE COURT: ALL RIGHT. ANYTHING ABOUT
11 THAT BOOK THAT MAKES YOU LIKE OR DISLIKE, FAVOR OR
12 DISFAVOR ONE OF THE SIDES IN THIS CASE?

13 PROSPECTIVE JUROR: NO.

14 THE COURT: ALL RIGHT. OKAY. THANK YOU.

15 NOW LET'S GO -- ANYONE ELSE ON ROW 1? NO
16 HANDS HAVE BEEN -- OH, YES. OKAY. SO --

17 PROSPECTIVE JUROR: YES, I READ THE BOOK
18 OF STEVE JOBS.

19 THE COURT: OKAY. AND DID THAT IN ANY
20 WAY -- OR DOES THAT IN ANY WAY AFFECT YOUR ABILITY
21 TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS
22 CASE?

23 PROSPECTIVE JUROR: NO.

24 THE COURT: OKAY. BASED ON THAT BOOK,
25 DID THAT CREATE A LIKE OR DISLIKE, FAVOR OR

1 DISFAVOR IN YOU THAT WOULD AFFECT YOUR ABILITY TO
2 BE FAIR AND IMPARTIAL IN THIS CASE?

3 PROSPECTIVE JUROR: NO.

4 THE COURT: ALL RIGHT. THANK YOU.

5 ANYONE ELSE ON ROW 2?

6 OKAY. NO HANDS HAVE BEEN RAISED.

7 OH, OKAY. LET'S GO TO MR. TRIPIANO.

8 PROSPECTIVE JUROR: NOT A BOOK

9 PARTICULARLY, BUT WALL STREET JOURNAL ARTICLE
10 TODAY --

11 THE COURT: OH. OKAY.

12 PROSPECTIVE JUROR: -- THAT I READ PRIOR
13 TO KNOWING WHAT --

14 THE COURT: WHAT THIS CASE WAS ABOUT?

15 PROSPECTIVE JUROR: -- WHAT THIS CASE WAS
16 ABOUT.

17 THE COURT: OKAY. I'M GOING TO ASK YOU,
18 IF YOU WOULDN'T MIND, TO RECYCLE THAT. WE'LL
19 RECYCLE IT FOR YOU.

20 I WOULD ASK YOU ALL TO SET ASIDE ANYTHING
21 YOU'VE PREVIOUSLY HEARD ABOUT THIS CASE AND KEEP AN
22 OPEN MIND AND DECIDE THIS CASE BASED SOLELY ON THE
23 EVIDENCE THAT IS ADMITTED DURING THE TRIAL.

24 CAN YOU DO THAT?

25 PROSPECTIVE JUROR: WELL, PART OF THIS IS

1 THE REASON I RAISED MY HAND TO THE VERY FIRST
2 QUESTION.

3 THE COURT: AH, OKAY. THEN YOU KNOW
4 WHAT? WE'LL HAVE THAT CONVERSATION IN PRIVATE.
5 THANK YOU.

6 ALL RIGHT. ANYONE ELSE IN ROW 3? WHAT
7 ABOUT ROW 3?

8 OKAY. LET'S GO TO MR. DEPRIEST. WHAT
9 HAVE YOU READ?

10 PROSPECTIVE JUROR: I READ THE STEVE JOBS
11 BIOGRAPHY.

12 THE COURT: ALL RIGHT. ANYTHING ABOUT
13 THAT BOOK THAT WOULD AFFECT YOUR ABILITY TO BE FAIR
14 AND IMPARTIAL?

15 PROSPECTIVE JUROR: THAT BOOK DID NOT
16 CHANGE ANY OPINIONS I ALREADY HAD.

17 THE COURT: OKAY. ALL RIGHT. WELL,
18 WE'LL GET INTO THAT MORE.

19 LET ME ASK MR. SHAH, DID YOU ALSO READ
20 THAT BOOK?

21 PROSPECTIVE JUROR: SAME BOOK.

22 THE COURT: OKAY. DID THAT AFFECT YOUR
23 ABILITY TO BE FAIR AND IMPARTIAL?

24 PROSPECTIVE JUROR: NO.

25 THE COURT: ALL RIGHT. THANK YOU.

1 I BELIEVE MR. TEPMAN?

2 PROSPECTIVE JUROR: YEAH, SAME BOOK AND
3 SAME ANSWER.

4 THE COURT: OKAY. YOU CAN BE FAIR AND
5 IMPARTIAL; CORRECT?

6 PROSPECTIVE JUROR: YEAH.

7 THE COURT: ALL RIGHT. AND LET'S GO TO
8 ROWS 4, 5 AND 6. ANYONE ELSE READ ANYTHING?

9 ALL RIGHT. THE RECORD SHOULD REFLECT NO
10 ADDITIONAL HANDS HAVE BEEN RAISED.

11 NOW THIS IS ONE, I THINK, THAT EVERYONE
12 CAN ANSWER.

13 I WANT TO KNOW WHAT KIND OF PHONE DO YOU
14 HAVE? DO YOU HAVE A CELL PHONE? DO YOU HAVE A
15 MOBILE PHONE? DO YOU HAVE A SMARTPHONE? AND
16 WHATEVER YOU HAVE, I WANT TO KNOW WHO MAKES IT.

17 SO MAYBE WE SHOULD JUST GO STRAIGHT DOWN
18 THE LINE. CAN WE START WITH MS. HALIM JUST TO KEEP
19 IT STRAIGHT.

20 PROSPECTIVE JUROR: I HAVE REGULAR CELL
21 PHONE. NO SMARTPHONE YET.

22 THE COURT: OKAY. WHO MAKES YOUR PHONE?

23 PROSPECTIVE JUROR: LG.

24 THE COURT: LG, OKAY. YOU KNOW, WHY
25 DON'T I ALSO ASK YOU, DO YOU HAVE A TABLET

1 COMPUTER?

2 PROSPECTIVE JUROR: NO.

3 THE COURT: ALL RIGHT. HAVE YOU EVER
4 OWNED A PRODUCT OF EITHER APPLE OR SAMSUNG?

5 PROSPECTIVE JUROR: I BOUGHT -- WELL,
6 YES. I HAVE AN ISHUFFLE, IPOD SHUFFLE, AND I
7 BOUGHT IPAD FOR MY NEPHEW.

8 THE COURT: OKAY. ARE YOU THINKING ABOUT
9 BUYING A PRODUCT OF EITHER COMPANY?

10 PROSPECTIVE JUROR: YES.

11 THE COURT: I KNOW YOU SAID YOU'RE
12 THINKING ABOUT A SMARTPHONE; RIGHT?

13 PROSPECTIVE JUROR: YES.

14 THE COURT: OKAY. WHAT ARE YOU THINKING
15 ABOUT RIGHT NOW?

16 PROSPECTIVE JUROR: THE IPHONE 5 OR THE
17 SAMSUNG GALAXY.

18 THE COURT: ALL RIGHT.

19 (LAUGHTER.)

20 THE COURT: OKAY. SO LET'S GO TO
21 MR. OKAMOTO. I WANT TO KNOW ABOUT YOUR PHONES,
22 YOUR TABLETS.

23 PROSPECTIVE JUROR: SO BEING A GOOGLE
24 EMPLOYEE, WE GET COMPANY -- I GUESS EVERY HOLIDAY
25 WE GET A GIFT, AND USUALLY IT'S A SMARTPHONE,

1 ANDROID SMARTPHONE.

2 SO THE CURRENT ONE I HAVE IS A GALAXY
3 NEXUS FROM SAMSUNG, WHICH I JUST SENT IN FOR
4 REPAIRS, AND NOW I HAVE MY BACK-UP PHONE, WHICH IS
5 A SAMSUNG GALAXY S II.

6 THE COURT: ALL RIGHT. DO YOU HAVE A
7 TABLET COMPUTER AS WELL?

8 PROSPECTIVE JUROR: I DO HAVE -- THERE IS
9 AN IPAD -- WELL, THERE'S TWO IPADS IN OUR HOUSE,
10 AND I ALSO HAVE A GALAXY TAB 7 FROM SAMSUNG.

11 THE COURT: OKAY. WHO BOUGHT THE
12 DIFFERENT TABLETS?

13 PROSPECTIVE JUROR: THAT WOULD BE ME. I
14 DID.

15 THE COURT: YOU BOUGHT ALL OF THEM?

16 PROSPECTIVE JUROR: YEAH.

17 THE COURT: OKAY. ANY OTHER PRODUCTS OF
18 EITHER APPLE OR SAMSUNG THAT YOU OWN OR SOMEONE IN
19 YOUR FAMILY OWNS?

20 PROSPECTIVE JUROR: I'VE GOT AN IPOD
21 TOUCH.

22 THE COURT: OKAY.

23 PROSPECTIVE JUROR: I'VE GOT A MACBOOK
24 AIR. MY WORK GAVE US A MACBOOK PRO. I'VE GOT AN
25 APPLE -- ACTUALLY, AN APPLE MINI. I'VE GOT AN

1 APPLE PRO, OR MAC PRO.

2 I'VE GOT -- I'VE GOT, LIKE, AN AMAZON
3 FIRE, WHICH IS NOT REALLY APPLE OR SAMSUNG.

4 BUT I'VE GOT A LOT OF GADGETS, BASICALLY.

5 THE COURT: OKAY. YEAH.

6 PROSPECTIVE JUROR: I'VE GOT A NOOK
7 COLOR. I'VE GOT -- MY WIFE HAS AN IPOD SHUFFLE.

8 THE COURT: YOU'RE GOOD FOR THE ECONOMY.

9 PROSPECTIVE JUROR: YEAH.

10 (LAUGHTER.)

11 THE COURT: OKAY. ALL RIGHT. THANK YOU.

12 MR. HOGAN?

13 PROSPECTIVE JUROR: YES. I HAVE A
14 SMARTPHONE. IT'S A DROID 2 MADE BY MOTOROLA.

15 THE COURT: OKAY. WHAT ABOUT ANY TABLET
16 COMPUTERS?

17 PROSPECTIVE JUROR: I DON'T OWN A TABLET.

18 THE COURT: ALL RIGHT. HAVE YOU EVER
19 OWNED A PRODUCT OF EITHER APPLE OR SAMSUNG?

20 PROSPECTIVE JUROR: I PERSONALLY HAVE
21 NOT. MY WIFE CURRENTLY JUST RECENTLY BOUGHT A
22 SAMSUNG. IT'S NOT A SMARTPHONE, BUT --

23 THE COURT: THAT WAS YOUR WIFE?

24 PROSPECTIVE JUROR: MY WIFE, YES.

25 THE COURT: OKAY. ARE YOU THINKING ABOUT

1 BUYING A PRODUCT OF EITHER COMPANY?

2 PROSPECTIVE JUROR: NO.

3 THE COURT: OKAY. ALL RIGHT, THANK YOU.

4 LET'S GO TO MR. BELLA.

5 PROSPECTIVE JUROR: I HAVE TWO PHONES,

6 ONE WORK PHONE IS A VERIZON, WHICH I JUST GOT.

7 PERSONAL PHONE IS AN OLDER AT&T. I DON'T KNOW WHO

8 MAKES IT. IT'S A FLIP PHONE.

9 THE COURT: DO YOU OWN ANY TABLET

10 COMPUTERS?

11 PROSPECTIVE JUROR: I DO NOT.

12 THE COURT: ALL RIGHT. HAVE YOU EVER

13 OWNED ANY PRODUCT OF EITHER APPLE OR SAMSUNG?

14 PROSPECTIVE JUROR: YES. WE'RE A MAC

15 FAMILY.

16 THE COURT: OKAY. CURRENTLY ARE YOU

17 THINKING ABOUT BUYING A PRODUCT OF EITHER COMPANY?

18 PROSPECTIVE JUROR: NOT NOW.

19 THE COURT: NOT NOW, OKAY.

20 ALL RIGHT. WHEN YOU SAY YOU'RE A MAC

21 FAMILY, DO YOU MEAN FOR YOUR PC'S AND YOUR LAPTOPS?

22 PROSPECTIVE JUROR: YES. AT HOME, AND MY

23 SON AND HIS WIFE ALL ARE BIG APPLE USERS.

24 THE COURT: OKAY. ALL RIGHT.

25 LET ME GO TO -- IS IT MS. ROUGIERI? DID

1 I PRONOUNCE THAT CORRECTLY? WHAT KIND OF PHONE DO
2 YOU HAVE, MA'AM?

3 PROSPECTIVE JUROR: I HAVE AN LG.

4 THE COURT: LG, OKAY. DO YOU HAVE A
5 TABLET COMPUTER?

6 PROSPECTIVE JUROR: NO.

7 THE COURT: HAVE YOU EVER OWNED A PRODUCT
8 OF EITHER APPLE OR SAMSUNG?

9 PROSPECTIVE JUROR: SAMSUNG.

10 THE COURT: AND WHAT HAVE YOU OWNED?

11 PROSPECTIVE JUROR: FIRST I DON'T
12 REMEMBER. IT'S NOT A SMARTPHONE. IT'S AN OLDER
13 PHONE. I CAN'T REMEMBER WHAT IT'S CALLED.

14 BUT THERE'S THREE OF US AT HOME THAT HAVE
15 HAD SAMSUNG PHONES.

16 THE COURT: AND WHEN YOU SAY "THREE OF
17 US," YOU MEAN FAMILY MEMBERS?

18 PROSPECTIVE JUROR: FAMILY MEMBERS.

19 THE COURT: OKAY. ARE YOU THINKING ABOUT
20 BUYING A PRODUCT OF EITHER COMPANY CURRENTLY?

21 PROSPECTIVE JUROR: I'M THINKING OF
22 BUYING AN IPAD.

23 THE COURT: OKAY. ALL RIGHT.

24 AND LET ME SAY TO OUR JURORS WHO ARE IN
25 THE AUDIENCE, I AM ASKING THAT YOU PAY CLOSE

1 ATTENTION BECAUSE AS YOU'LL SEE, MANY OF THE JURORS
2 IN THIS PANEL MAY BE EXCUSED AND YOU MAY BE THEN
3 CALLED UP TO FILL THEIR PLACE, AND SO YOU WILL HAVE
4 TO ANSWER SIMILAR QUESTIONS.

5 SO YOU WOULD PLEASE JUST MAKE A MENTAL
6 NOTE OF HOW YOU WOULD ANSWER THESE QUESTIONS IN THE
7 EVENT THAT YOU ARE CALLED IN?

8 LET'S GO NOW TO MR. FLAVIN, OR
9 MS. FLAVIN, EXCUSE ME.

10 PROSPECTIVE JUROR: I HAVE A SMARTPHONE.
11 IT'S LG. I CURRENTLY OWN TWO SAMSUNG PRODUCTS.

12 I DON'T OWN ANYTHING FROM APPLE. I DID
13 YEARS AGO. AM I MISSING ANYTHING?

14 THE COURT: WHAT DID YOU PREVIOUSLY OWN
15 FROM APPLE?

16 PROSPECTIVE JUROR: IPODS BEFORE. THEY
17 DON'T LAST VERY LONG.

18 THE COURT: CAN WE HAVE THE MICROPHONE
19 PASSED TO MS. FLAVIN SO I CAN HEAR HER A LITTLE
20 BETTER?

21 I WENT THROUGH THREE OR FOUR IPODS BEFORE
22 I LEARNED MY LESSON. THEY DON'T LAST VERY LONG.
23 THAT WAS YEARS AGO.

24 THE COURT: OKAY. ARE YOU THINKING ABOUT
25 BUYING A PRODUCT OF EITHER COMPANY CURRENTLY?

1 PROSPECTIVE JUROR: NOT CURRENTLY.

2 THE COURT: ALL RIGHT. WHAT DO YOU USE
3 NOW TO REPLACE YOUR IPOD? YOUR SMARTPHONE?

4 PROSPECTIVE JUROR: YEAH, I JUST HAVE A
5 SMARTPHONE.

6 THE COURT: ALL RIGHT. THANK YOU.

7 LET'S GO TO MR. -- IS IT BURGE?

8 PROSPECTIVE JUROR: YES, MA'AM.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR: I HAVE AN APPLE
11 IPHONE.

12 THE COURT: ALL RIGHT. DO YOU OWN A
13 TABLET COMPUTER AS WELL?

14 PROSPECTIVE JUROR: YES. WE HAVE AN
15 IPAD.

16 THE COURT: OKAY. AND HAVE YOU EVER
17 OWNED A PRODUCT OF SAMSUNG?

18 PROSPECTIVE JUROR: I HAVE SEVERAL YEARS
19 AGO. I USED TO WORK FOR AT&T WIRELESS, SO I'VE HAD
20 SEVERAL DEVICES.

21 THE COURT: AND WHAT SAMSUNG DEVICES DID
22 YOU HAVE?

23 PROSPECTIVE JUROR: IT'S HARD TO RECALL
24 NOW. THEY WERE THE FLIP PHONES. THEY WEREN'T THE
25 SMARTPHONES.

1 THE COURT: OKAY. ARE YOU CURRENTLY
2 THINKING ABOUT PURCHASING A PRODUCT OF EITHER OF
3 THE COMPANIES THAT ARE INVOLVED IN THIS LAWSUIT?

4 PROSPECTIVE JUROR: WITHIN THE NEXT
5 PROBABLY THREE TO SIX MONTHS WE'LL UPGRADE THE IPAD
6 TO THE NEWEST VERSION.

7 THE COURT: ALL RIGHT. THANK YOU.

8 LET'S GO TO MS. LEROSE.

9 COULD YOU PASS THE MICROPHONE? THANK
10 YOU.

11 PROSPECTIVE JUROR: THIS IS GOING TO
12 SOUND INCREDULOUS, BUT NO, I DO NOT HAVE A CELL
13 PHONE. NOT INTERESTED.

14 THE COURT: THAT'S FINE. AND DO YOU OWN
15 A TABLET COMPUTER?

16 PROSPECTIVE JUROR: NO.

17 THE COURT: OKAY. AND HAVE YOU EVER
18 OWNED A PRODUCT OF EITHER COMPANY, APPLE OR
19 SAMSUNG?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: WHAT HAVE YOU OWNED?

22 PROSPECTIVE JUROR: I HAVE A MACBOOK, AN
23 APPLE MACBOOK, YEAH.

24 THE COURT: ALL RIGHT. ARE YOU CURRENTLY
25 THINKING ABOUT BUYING A PRODUCT FROM EITHER

1 COMPANY?

2 PROSPECTIVE JUROR: NO.

3 THE COURT: ALL RIGHT. ANYONE IN YOUR
4 FAMILY OWN ANY PRODUCTS OF APPLE OR SAMSUNG?

5 PROSPECTIVE JUROR: YEAH. MY SON, OLDEST
6 SON OWNS APPLE. HE HAS AN APPLE COMPUTER AND ALSO
7 A MACBOOK, I THINK.

8 I DON'T KNOW WHAT KIND OF PHONES THEY
9 USE.

10 THE COURT: OKAY.

11 PROSPECTIVE JUROR: AND THEN MY HUSBAND
12 HAS A PC AND I DON'T KNOW WHAT KIND IT IS, VERY
13 OLD.

14 THE COURT: OKAY. ALL RIGHT. THANK YOU.

15 PROSPECTIVE JUROR: UM-HUM.

16 THE COURT: LET'S GO TO MR. REYES.

17 PROSPECTIVE JUROR: YEAH. I OWN A CASIO.

18 THE COURT: ALL RIGHT. DO YOU ALSO OWN A
19 TABLET COMPUTER?

20 PROSPECTIVE JUROR: NO.

21 THE COURT: ALL RIGHT. HAVE YOU EVER
22 OWNED A PRODUCT OF EITHER APPLE OR SAMSUNG?

23 PROSPECTIVE JUROR: I THINK MY WIFE DOES.
24 SHE HAS A -- HER PHONE IS A SAMSUNG.

25 THE COURT: OKAY. AND DO YOU KNOW IF

1 IT'S A SMARTPHONE OR --

2 PROSPECTIVE JUROR: IT'S A SMARTPHONE,
3 YES.

4 THE COURT: OKAY. ARE YOU THINKING ABOUT
5 BUYING A PRODUCT FROM EITHER COMPANY?

6 PROSPECTIVE JUROR: NO, NOT AT THIS TIME.

7 THE COURT: ALL RIGHT. THANK YOU.

8 ALL RIGHT. MR. TRIPIANO.

9 PROSPECTIVE JUROR: I HAVE AN HTC PHONE
10 WITH VERIZON, WHICH HAS THE DROID OPERATING SYSTEM
11 ON IT.

12 THE COURT: UM-HUM.

13 PROSPECTIVE JUROR: I DO NOT HAVE A
14 TABLET. ALL MY COMPUTERS ARE PC AND SMART TV WHICH
15 HAS THE GOOGLE OPERATING SYSTEM ON IT.

16 THE COURT: ALL RIGHT. ARE YOU THINKING
17 ABOUT BUYING A PRODUCT OF EITHER COMPANY CURRENTLY?

18 PROSPECTIVE JUROR: NOT CURRENTLY.

19 THE COURT: OKAY. AND HAVE YOU
20 PREVIOUSLY OWNED ANY SAMSUNG PRODUCT?

21 PROSPECTIVE JUROR: WE HAD A SAMSUNG TV A
22 WHILE BACK.

23 THE COURT: OKAY. ALL RIGHT. BUT NO
24 APPLE PRODUCTS; CORRECT?

25 PROSPECTIVE JUROR: CORRECT.

1 THE COURT: ALL RIGHT. THANK YOU.

2 LET'S GO TO MS. -- IS IT FRIESEN?

3 PROSPECTIVE JUROR: CORRECT.

4 THE COURT: ALL RIGHT. PLEASE GO AHEAD
5 WITH YOUR ANSWER.

6 PROSPECTIVE JUROR: I HAVE A MOTOROLA
7 SMARTPHONE.

8 THE COURT: ANY TABLET COMPUTERS?

9 PROSPECTIVE JUROR: NO.

10 THE COURT: HAVE YOU EVER OWNED A PRODUCT
11 OF EITHER APPLE OR SAMSUNG?

12 PROSPECTIVE JUROR: AN OLD SAMSUNG PHONE.

13 THE COURT: ARE YOU CURRENTLY THINKING
14 ABOUT BUYING A PRODUCT OF EITHER COMPANY?

15 PROSPECTIVE JUROR: POSSIBLY A MAC. I'M
16 NOT SURE.

17 THE COURT: OKAY. ALL RIGHT. THANK YOU.

18 LET'S GO TO MS. HUYNH. IS THAT
19 PRONOUNCED CORRECTLY?

20 PROSPECTIVE JUROR: YEAH.

21 THE COURT: OKAY. GO AHEAD.

22 PROSPECTIVE JUROR: I HAVE A SMARTPHONE
23 BY LG, AND I HAVE AN IPAD.

24 THE COURT: OKAY. HAVE YOU EVER OWNED A
25 PRODUCT OF SAMSUNG?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: AND WHAT IS THAT?

3 PROSPECTIVE JUROR: IT WAS A PHONE. I
4 CAN'T REMEMBER WHAT IT'S CALLED.

5 THE COURT: OKAY. AND ARE YOU CURRENTLY
6 THINKING ABOUT BUYING A PRODUCT FROM EITHER
7 COMPANY?

8 PROSPECTIVE JUROR: NO.

9 THE COURT: OKAY. LET'S GO TO
10 MR. BARRAGAN.

11 PROSPECTIVE JUROR: I DO NOT OWN OR USE A
12 SMARTPHONE, AND I DO NOT HAVE ANY IPADS OR TABLETS.

13 THE COURT: OKAY. WHAT ABOUT A CELL
14 PHONE?

15 PROSPECTIVE JUROR: IT'S AN OLDER
16 GENERATION NOKIA.

17 THE COURT: OKAY. AND HAVE YOU EVER
18 OWNED A PRODUCT OF EITHER APPLE OR SAMSUNG?

19 PROSPECTIVE JUROR: NO.

20 THE COURT: OKAY. ARE YOU THINKING ABOUT
21 BUYING A PRODUCT FROM EITHER COMPANY CURRENTLY?

22 PROSPECTIVE JUROR: NO.

23 THE COURT: ALL RIGHT. THANK YOU.

24 LET'S GO TO, IS MR. -- IS IT
25 MR. CATHERWOOD?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: ALL RIGHT. GO AHEAD, PLEASE.

3 PROSPECTIVE JUROR: I CURRENTLY HAVE A
4 SAMSUNG, A SAMSUNG PHONE, NOT A SMARTPHONE, AND I
5 HAVE A SONY S TABLET.

6 THE COURT: HAVE YOU EVER OWNED A PRODUCT
7 OF EITHER APPLE OR SAMSUNG?

8 PROSPECTIVE JUROR: JUST A CELL PHONE
9 FROM SAMSUNG.

10 THE COURT: ALL RIGHT. ARE YOU CURRENTLY
11 THINKING ABOUT BUYING A PRODUCT FROM EITHER
12 COMPANY?

13 PROSPECTIVE JUROR: NO.

14 THE COURT: ALL RIGHT. THANK YOU.

15 LET'S GO TO MS. PHAN ON ROW 3.

16 PROSPECTIVE JUROR: I HAVE AN IPHONE AND
17 IPAD AND IPOD.

18 MY MOM HAS A SAMSUNG WHICH I GOT FOR HER,
19 AND I USED TO ALSO OWN A SAMSUNG.

20 AND I DON'T PLAN TO BUY ANYTHING FROM
21 EITHER COMPANY RIGHT NOW.

22 THE COURT: OKAY. ALL RIGHT. THANK YOU.

23

24 PROSPECTIVE JUROR: I HAVE AN APPLE IPOD,
25 I HAVE AN APPLE IPHONE, I OWN AN APPLE IPAD. MY

1 HOUSE IS FILLED WITH APPLE PRODUCTS.

2 I DO HAVE A SAMSUNG TELEVISION AND I AM
3 CONSIDERING PURCHASING PRODUCTS FROM ONE OF THOSE
4 COMPANIES.

5 THE COURT: AND WHICH COMPANY IS THAT?

6 PROSPECTIVE JUROR: APPLE.

7 THE COURT: OKAY. ALL RIGHT. LET'S GO
8 TO MR. SHAH, PLEASE.

9 PROSPECTIVE JUROR: I HAVE AN IPHONE, MY
10 FAMILY HAS IPHONES. I HAVE AN IPAD, FAMILY HAS
11 IPADS. WE HAVE SEVERAL APPLE PRODUCTS IN THE
12 HOUSE.

13 THE COURT: OKAY. ANY SAMSUNG PRODUCTS
14 IN THE HOUSE?

15 PROSPECTIVE JUROR: NONE.

16 THE COURT: PREVIOUSLY THOUGH?

17 PROSPECTIVE JUROR: NONE.

18 THE COURT: OKAY. ALL RIGHT.

19 PROSPECTIVE JUROR: AND WE WILL BUY MORE
20 APPLE PRODUCTS. WE CONTINUE TO EVEN TODAY.

21 THE COURT: ALL RIGHT. THANK YOU.

22 LET'S GO TO MR. ROGERS.

23 PROSPECTIVE JUROR: I CURRENTLY DON'T
24 HAVE A PHONE. I THINK THE LAST ONE I HAD WAS AN
25 LG. BEFORE THAT WE WERE ON AT&T, SO I'M PRETTY

1 SURE AT LEAST ONE WAS MADE BY SAMSUNG. I VAGUELY
2 REMEMBER THAT.

3 WE HAVE A SAMSUNG TV, AND I HAVE AN IPOD.
4 THAT'S ALL I CAN THINK OF AT THIS MOMENT.

5 THE COURT: OKAY. CURRENTLY THINKING
6 ABOUT BUYING ANY PRODUCTS FROM EITHER COMPANY?

7 PROSPECTIVE JUROR: NOT IN THE NEAR
8 FUTURE.

9 THE COURT: OKAY. THANK YOU.

10 MR. TEPMAN?

11 PROSPECTIVE JUROR: IPHONE IS A COMPANY
12 PHONE. I DIDN'T BUY. AND I HAVE TWO IPHONE --
13 IPODS, BUT I DON'T USE THEM ANYMORE SINCE I USE MY
14 IPHONE FOR MUSIC.

15 THE COURT: ALL RIGHT.

16 PROSPECTIVE JUROR: AND NO OTHER APPLE
17 PRODUCTS, NO TABLET.

18 AND IN THE BEDROOMS WE HAVE, LIKE, TWO
19 OLD SAMSUNG TV'S.

20 THE COURT: AND HAVE YOU EVER OWNED ANY
21 SAMSUNG PRODUCTS?

22 PROSPECTIVE JUROR: I SAID WE HAVE IN TWO
23 BEDROOMS, WE HAVE OLD SAMSUNG TELEVISIONS.

24 THE COURT: I SEE. OKAY. CURRENTLY
25 THINKING ABOUT BUYING ANY PRODUCTS FROM EITHER

1 COMPANY?

2 PROSPECTIVE JUROR: NOT IN MY PLAN.

3 THE COURT: ALL RIGHT. THANK YOU.

4 MS. MATHUR?

5 PROSPECTIVE JUROR: I HAVE AN IPHONE AND
6 AN IPAD.

7 THE COURT: OKAY. HAVE YOU EVER OWNED
8 ANY SAMSUNG PRODUCTS?

9 PROSPECTIVE JUROR: I DON'T KNOW. MAYBE
10 A TELEVISION, BUT I'M NOT SURE.

11 THE COURT: ALL RIGHT. ARE YOU CURRENTLY
12 THINKING ABOUT BUYING A PRODUCT FROM EITHER
13 COMPANY?

14 PROSPECTIVE JUROR: NO.

15 THE COURT: OKAY. ALL RIGHT. THANK YOU.

16 MR. ILAGAN?

17 PROSPECTIVE JUROR: YES. I HAVE A
18 REGULAR LG PHONE, AND I'M THINKING OF MAYBE
19 UPGRADING TO A SMARTPHONE, BUT I DON'T KNOW WHICH
20 KIND YET.

21 THE COURT: OKAY.

22 PROSPECTIVE JUROR: AND MY FAMILY, THEY
23 ALL OWN IPHONES.

24 AND WE HAVE A, A SAMSUNG FLAT SCREEN TV.

25 THE COURT: OKAY. AND OTHER THAN THE

1 SMARTPHONE FOR WHICH YOU HAVEN'T DECIDED WHICH ONE
2 YOU WILL BUY, ARE YOU CURRENTLY THINKING ABOUT
3 BUYING PRODUCTS FROM EITHER COMPANY IN THIS
4 LAWSUIT?

5 PROSPECTIVE JUROR: WE NEED TO REVIEW, SO
6 I HAVEN'T DECIDED YET.

7 THE COURT: ALL RIGHT. THANK YOU.

8 ALL RIGHT. LET'S GO TO MR. DUNN.

9 IF YOU WOULD PLEASE PASS THE MICROPHONE.
10 THANK YOU.

11 PROSPECTIVE JUROR: I DO NOT HAVE A -- I
12 DO NOT HAVE A SMARTPHONE, BUT I DO HAVE A
13 NON-SMARTPHONE FROM SAMSUNG. I DON'T HAVE ANY
14 TABLETS.

15 AND I DO NOT ANTICIPATE ANY FUTURE
16 PURCHASES THROUGH EITHER COMPANY AT THIS TIME.

17 THE COURT: ALL RIGHT. THANK YOU.

18 AND OTHER THAN YOUR CURRENT SAMSUNG
19 PHONE, ANY OTHER PRODUCTS THAT YOU'VE OWNED FROM
20 EITHER COMPANY PREVIOUSLY?

21 PROSPECTIVE JUROR: IPOD A FEW YEARS AGO.

22 THE COURT: OKAY. ALL RIGHT. THANK YOU.

23 MS. HOLLOWAY?

24 PROSPECTIVE JUROR: GOOD MORNING.

25 EVERYONE IN THE FAMILY OWNS IPHONES.

1 THE COURT: OKAY.

2 PROSPECTIVE JUROR: I HAVE AN IPAD. WE
3 HAVE TWO SAMSUNG TV'S IN THE HOUSE.

4 I DON'T PLAN TO PURCHASE ANY ITEMS IN THE
5 FUTURE.

6 THE COURT: ALL RIGHT. THANK YOU.

7 MR. KRETZMANN?

8 PROSPECTIVE JUROR: MY CELL PHONE IS AN
9 OLDER GENERATION FLIP PHONE MADE BY MOTOROLA.

10 I RECALL WE HAVE A SAMSUNG DVD PLAYER AT
11 HOME. I CAN'T SPECIFICALLY THINK OF ANY OTHER
12 APPLE OR SAMSUNG PRODUCTS, NOR DO I HAVE ANY
13 PURCHASING INTENTIONS AT THIS TIME.

14 THE COURT: THANK YOU.

15 MR. COYLE?

16 PROSPECTIVE JUROR: YEAH. LET'S SEE. I
17 OWN TWO SAMSUNG ANDROID PHONES. I OWN TWO IPODS.
18 I HAVE A SAMSUNG TV.

19 I THINK THAT'S IT.

20 THE COURT: OKAY. THANK YOU. AND
21 CURRENTLY NOT THINKING ABOUT BUYING ANY PRODUCTS?

22 PROSPECTIVE JUROR: WELL, YEAH. I'M
23 PROBABLY GOING TO BUY A SAMSUNG TABLET, SURE.

24 THE COURT: OKAY.

25 PROSPECTIVE JUROR: YEAH.

1 THE COURT: ALL RIGHT. THANK YOU.

2 LET'S GO TO THE NEXT JUROR, PLEASE.

3 MR. WONG.

4 PROSPECTIVE JUROR: I CURRENTLY HAVE A
5 CELL PHONE, LG.

6 THE COURT: OKAY.

7 PROSPECTIVE JUROR: AND A TOUCHPAD FROM
8 HEWLETT-PACKARD.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR: AND I HAVE A VERY
11 OLD, OVER 30 YEARS OLD MICROWAVE OVEN FROM SAMSUNG.
12 IT WORKS. AND REFRIGERATOR FROM SAMSUNG ALSO.

13 THE COURT: OKAY.

14 PROSPECTIVE JUROR: I DON'T INTEND TO BUY
15 ANYTHING FROM EITHER COMPANY IN THE FUTURE.

16 THE COURT: ALL RIGHT.

17 PROSPECTIVE JUROR: NOT IN THE NEAR
18 FUTURE.

19 THE COURT: ALL RIGHT. HAVE YOU EVER
20 OWNED ANY PRODUCT OF APPLE'S?

21 PROSPECTIVE JUROR: NO.

22 THE COURT: ALL RIGHT. THANK YOU.

23 LET'S GO TO THE NEXT JUROR, AND IF YOU
24 COULD PLEASE PASS THE MICROPHONE TO MR. FLADELAND.

25 PROSPECTIVE JUROR: YES.

1 PROSPECTIVE JUROR: I HAVE AN LG ANDROID
2 SMARTPHONE. MY TABLET IS A KINDLE FIRE. AND I
3 HAVE A MACBOOK AND AN IPOD TOUCH AND I HAVE A
4 SAMSUNG TV AND A SAMSUNG DVD PLAYER.

5 NO PLANS TO BUY PRODUCTS IN THE FUTURE AT
6 THIS TIME.

7 THE COURT: ALL RIGHT. THANK YOU.

8 MR. LADWIG?

9 PROSPECTIVE JUROR: MY WIFE AND I BOTH
10 HAVE IPHONES. I HAVE A SHUFFLE. WE PLAN ON -- I
11 ALSO HAVE A SAMSUNG TV. WE PLAN ON UPGRADING TO
12 THE NEW IPHONES WHEN OUR CURRENT CONTRACT EXPIRES.

13 THE COURT: OKAY. ALL RIGHT. THANK YOU.
14 GO AHEAD, PLEASE, MR. SINA.

15 PROSPECTIVE JUROR: YES. I DON'T HAVE A
16 SMARTPHONE. MY PHONE IS A KYOCERA. BUT MY WIFE
17 HAS A SAMSUNG PRODUCT AND APPLE IPAD.

18 THE COURT: AND SOMEONE HAS A SAMSUNG,
19 WHAT, PHONE?

20 PROSPECTIVE JUROR: A GALAXY, I THINK IT
21 IS. YES.

22 THE COURT: OKAY.

23 PROSPECTIVE JUROR: YEAH.

24 THE COURT: ALL RIGHT. HAVE YOU
25 PREVIOUSLY, YOURSELF, EVER OWNED EITHER AN APPLE OR

1 A SAMSUNG PRODUCT?

2 PROSPECTIVE JUROR: NO, I HAVEN'T.

3 THE COURT: OKAY. CURRENTLY HAVE ANY
4 THOUGHTS ABOUT BUYING A PRODUCT FROM EITHER
5 COMPANY?

6 PROSPECTIVE JUROR: NOT AT THIS TIME.

7 THE COURT: OKAY. ALL RIGHT. THANK YOU.
8 LET'S GO TO MR. WARMAN, PLEASE.

9 PROSPECTIVE JUROR: I HAVE AN IPHONE. MY
10 WIFE HAS AN IPHONE AND AN IPAD.

11 WE HAVE HAD SAMSUNG TV'S IN THE PAST, AS
12 WELL AS OTHER MAC PRODUCTS.

13 I DON'T HAVE ANY PLANS TO REPLACE ANY OF
14 THOSE OR BUY ANYTHING IN THE FUTURE.

15 THE COURT: OKAY. THANK YOU.

16 LET'S GO TO MS. DOMINGO.

17 PROSPECTIVE JUROR: I HAVE AN OLD SONY
18 ERICSSON PHONE.

19 THE COURT: UM-HUM.

20 PROSPECTIVE JUROR: MY HUSBAND HAS THE
21 IPAD AND WE OWN THREE ITOUCH.

22 I DON'T PLAN TO BUY ANY HOUSEHOLD
23 PRODUCTS.

24 THE COURT: OKAY. HAVE YOU OR ANYONE IN
25 YOUR FAMILY EVER OWNED A SAMSUNG PRODUCT?

1 PROSPECTIVE JUROR: NOT THAT I KNOW OF.

2 THE COURT: THANK YOU. MAY WE PLEASE GO
3 TO THE FINAL ROW.

4 PROSPECTIVE JUROR: I HAVE AN LG CELL
5 PHONE, AN IPOD TOUCH, A KINDLE, AND I PREVIOUSLY
6 OWNED A SAMSUNG CELL PHONE.

7 AND I DON'T PLAN TO BUY ANY OTHER PRODUCT
8 IN THE FUTURE.

9 THE COURT: ALL RIGHT. THANK YOU.

10 LET'S GO TO MR. CHIU.

11 PROSPECTIVE JUROR: I HAVE A PHONE, AN
12 OLD PHONE. MY WIFE HAS AN IPOD. AND I HAVE NO
13 TABLET.

14 AND NO PLANS TO BUY ANYTHING IN THE NEAR
15 FUTURE.

16 THE COURT: HAVE YOU OR YOUR WIFE OR
17 ANYONE IN YOUR FAMILY EVER PREVIOUSLY OWNED A
18 SAMSUNG PRODUCT?

19 PROSPECTIVE JUROR: NO, I DON'T THINK SO.

20 THE COURT: OKAY. ALL RIGHT. THANK YOU.

21 AND DID YOU SAY THAT YOUR PHONE, WAS THAT
22 A SONY ERICSSON, OR WHAT WAS IT?

23 PROSPECTIVE JUROR: T-MOBILE. I DON'T
24 KNOW WHAT IT IS.

25 THE COURT: OKAY. ALL RIGHT. THANK YOU.

1 OKAY. MS. HUMPHRY?

2 PROSPECTIVE JUROR: I HAVE AN IPOD TOUCH
3 AND A SAMSUNG TV, AND I MIGHT BUY AN IPHONE IN THE
4 FUTURE.

5 THE COURT: OKAY. ALL RIGHT. THANK YOU.
6 LET'S GO TO MS. JARO. DID I PRONOUNCE THAT
7 CORRECTLY?

8 PROSPECTIVE JUROR: YES.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR: I HAVE A REGULAR
11 SAMSUNG CELL PHONE, AND MY SON HAS A MACBOOK,
12 IPHONE, ITOUCH, AND AN APPLE WRISTWATCH.

13 THE COURT: THAT'S YOUR SON?

14 PROSPECTIVE JUROR: YEAH.

15 THE COURT: OKAY. DOES YOUR SON LIVE
16 WITH YOU?

17 PROSPECTIVE JUROR: YEAH. HE'S STILL A
18 STUDENT.

19 THE COURT: ALL RIGHT. ANY OTHER
20 PRODUCTS THAT YOU PERSONALLY HAVE OWNED, EITHER
21 FROM APPLE OR SAMSUNG?

22 PROSPECTIVE JUROR: (SHAKES HEAD BACK AND
23 FORTH.)

24 THE COURT: NO. OKAY. AND NO CURRENT
25 INTENTION ON BUYING ONE; IS THAT CORRECT?

1 PROSPECTIVE JUROR: NO, NOT YET.

2 THE COURT: OKAY.

3 PROSPECTIVE JUROR: JUST BOUGHT A NEW
4 ONE.

5 THE COURT: ALL RIGHT. SO YOUR SAMSUNG
6 PHONE IS A NEW ONE?

7 PROSPECTIVE JUROR: NO. NO, IT'S NOT.
8 THE CELL PHONE IS THE APPLE CELL PHONE.

9 THE COURT: ALL RIGHT.

10 PROSPECTIVE JUROR: IPHONE.

11 THE COURT: ALL RIGHT. NOW, MR. TRIPIANO
12 RAISED AN ISSUE, AND THAT IS THAT THERE HAS BEEN
13 SOME, SOME COVERAGE ABOUT THIS CASE.

14 WOULD YOU PLEASE RAISE YOUR HAND IF YOU
15 HAVE READ OR HEARD ANYTHING ABOUT THIS LAWSUIT?

16 OKAY. GIVE ME JUST ONE SECOND. I'M
17 GOING TO NEED A MOMENT TO -- OKAY.

18 SO I HAVE MS. HALIM; MR. OKAMOTO;
19 MR. BELLA, CORRECT, HE IS NUMBER 4; I HAVE
20 MR. BURGE, WHO'S NUMBER 7; MS. LEROSE, WHO'S NUMBER
21 8 -- YES, IF YOU COULD HOLD UP YOUR NUMBERS,
22 PLEASE, MR. TRIPIANO, WHO'S NUMBER 10.

23 ANYONE ELSE ON THE SECOND ROW? 14 IS
24 MR. CATHERWOOD; CORRECT?

25 PROSPECTIVE JUROR: CORRECT.

1 THE COURT: OKAY. 16 IS MR. DEPRIEST; 17
2 IS MR. SHAH; 18 IS MR. ROGERS; 19 IS MR. TEPMAN; 21
3 IS MR. ILAGAN. DID I PRONOUNCE THAT CORRECTLY?

4 PROSPECTIVE JUROR: ILAGAN.

5 THE COURT: ILAGAN, OKAY, THANK YOU.

6 22 IS MR. DUNN; 24 IS MR. KRETZMANN;
7 CORRECT?

8 PROSPECTIVE JUROR: YES.

9 THE COURT: OKAY. 26 IS MR. WONG; 29 IS
10 MR. SINA; NUMBER 30 IS MR. WARMAN; AND NUMBER 34 IS
11 MS. HUMPHRY.

12 ALL RIGHT. THANK YOU. WE'LL GET INTO IT
13 MORE IN PRIVATE, BUT RAISE YOUR HAND IF WHAT YOU
14 HAVE READ OR HEARD ABOUT THIS CASE WOULD AFFECT
15 YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH
16 SIDES.

17 AND I KNOW SOME OF YOU HAVE ALREADY
18 RAISED YOUR HAND, BUT ANYONE ELSE OTHER THAN
19 MR. TRIPIANO, BASED ON WHAT YOU'VE READ OR HEARD
20 ABOUT THIS CASE, THAT YOU CANNOT BE FAIR AND
21 IMPARTIAL TO BOTH SIDES? IS IT ONLY MR. TRIPIANO
22 OR ANYONE ELSE?

23 OKAY. THE RECORD SHOULD REFLECT THAT.

24 ALL RIGHT. LET ME ASK YOU IF YOU'VE
25 BASICALLY ALREADY FORMED AN IMPRESSION IN YOUR MIND

1 ABOUT -- AND THIS IS FOR EVERYBODY -- IF YOU'VE
2 BASICALLY ALREADY FORMED AN IMPRESSION IN YOUR MIND
3 ABOUT WHO YOU THINK OUGHT TO WIN THIS CASE BASED ON
4 WHAT YOU'VE READ.

5 CAN YOU RAISE YOUR HAND, PLEASE? OKAY.
6 THAT'S MR. TRIPIANO AND MR. DEPRIEST.

7 ANYONE ELSE? I GUESS RAISE YOUR HAND IF
8 YOU CAN BE OPEN MINDED AND FAIR EVEN IF YOU'VE
9 ALREADY PREVIOUSLY READ ABOUT THIS CASE.

10 PROSPECTIVE JUROR: IF YOU CAN BE?

11 THE COURT: THAT MIGHT BE TOO
12 COMPLICATED. I'M SORRY. LET ME STRIKE THAT.

13 LET ME SAY IF YOU CANNOT KEEP AN OPEN
14 MIND AND YOU CANNOT DECIDE THIS CASE BASED SOLELY
15 ON THE EVIDENCE THAT'S ADMITTED DURING THIS TRIAL,
16 BASED ON WHAT YOU'VE READ PREVIOUSLY ABOUT THIS
17 CASE, RAISE YOUR HAND.

18 OKAY. I GOT MR. TRIPIANO.

19 I ASSUME MR. DEPRIEST IS THE SAME; RIGHT?

20 PROSPECTIVE JUROR: YES.

21 THE COURT: ANYONE ELSE?

22 OKAY. THE RECORD SHOULD REFLECT THAT NO
23 ONE ELSE HAS RAISED THEIR HANDS.

24 OKAY. NOW, LET ME ASK IF YOU HAVE ANY
25 BELIEF OR FEELING TOWARDS ANY OF THE PARTIES, ANY

1 OF THE LAWYERS, ANY OF THE WITNESSES THAT WOULD
2 MAKE IT DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL.

3 IF SO, WOULD YOU RAISE YOUR HAND?

4 OKAY. THE RECORD SHOULD REFLECT NO HANDS
5 HAVE BEEN RAISED.

6 OTHER THAN WHAT WE'VE ALREADY TALKED
7 ABOUT IN TERMS OF STOCK OWNERSHIP, DOES ANYONE ELSE
8 HAVE ANY SPECIAL INTEREST, FINANCIAL OR OTHERWISE,
9 IN THE OUTCOME OF THIS TRIAL? IF SO, WOULD YOU
10 RAISE YOUR HAND?

11 THE RECORD SHOULD REFLECT THAT NO HANDS
12 HAVE BEEN RAISED.

13 IS THERE ANYONE WHO, FOR RELIGIOUS OR
14 PHILOSOPHICAL REASONS, WOULD BE UNABLE TO RESOLVE A
15 CONFLICT IN EVIDENCE? IF SO, WOULD YOU RAISE YOUR
16 HAND, PLEASE?

17 THE RECORD SHOULD REFLECT NO HANDS HAVE
18 BEEN RAISED.

19 ALL RIGHT. IT MAY APPEAR THAT ONE OR
20 MORE OF THE PARTIES, THE ATTORNEYS, OR THE
21 WITNESSES COME FROM A PARTICULAR NATIONAL, RACIAL,
22 RELIGIOUS GROUP OR MAY HAVE A LIFESTYLE THAT'S
23 DIFFERENT THAN YOURS.

24 IF THIS WOULD IN ANY WAY AFFECT YOUR
25 JUDGMENT OR THE WEIGHT AND CREDIBILITY THAT YOU

1 WOULD GIVE TO SUCH PERSON'S TESTIMONY, WOULD YOU
2 PLEASE RAISE YOUR HAND?

3 THE RECORD SHOULD REFLECT THAT NO HANDS
4 HAVE BEEN RAISED.

5 OKAY. ANY -- ANYONE HAVE ANY BIASES OR
6 PREJUDICES, LIKES OR DISLIKES BASED ON THE
7 NATIONALITY OF ANY OF THE PARTIES IN THIS CASE?
8 AND BY THAT I MEAN THE COMPANIES.

9 OKAY. THE RECORD SHOULD REFLECT THAT NO
10 HANDS HAVE BEEN RAISED.

11 ANYONE HAVE ANY POSITIVE OR NEGATIVE
12 IMPRESSIONS BASED ON THE PARTIES BASED ON WHERE
13 THEY'RE LOCATED?

14 OKAY. THE RECORD SHOULD REFLECT NO HANDS
15 HAVE BEEN RAISED.

16 NOW, MANY OF YOU MAY HAVE YOUR OWN VIEWS
17 ABOUT WHAT OUR LAWS SHOULD BE, BUT I JUST NEED TO
18 ASK YOU ONE MORE TIME WHETHER YOU WOULD ACCEPT THE
19 INSTRUCTIONS ON THE LAW THAT I GIVE YOU AND NOT
20 INSERT AND SUBSTITUTE YOUR OWN PERSONAL VIEWS OF
21 WHAT THE LAWS SHOULD BE. WHETHER YOU DISAGREE OR
22 DISAGREE WITH WHAT I TELL YOU THE LAW IS, WILL YOU
23 ACCEPT IT? IF YOU CANNOT DO THAT, WILL YOU PLEASE
24 RAISE YOUR HAND?

25 OKAY. THE RECORD SHOULD REFLECT THAT NO

1 HANDS HAVE BEEN RAISED.

2 ALL RIGHT. HAVE ANY OF YOU BEEN
3 NEGATIVELY IMPACTED BY THE RECENT ECONOMIC
4 DOWNTURN? IF YOU WOULD PLEASE RAISE YOUR HAND.

5 OKAY. CAN WE PASS THE MICROPHONE,
6 PLEASE?

7 PROSPECTIVE JUROR: I'M CURRENTLY
8 UNEMPLOYED.

9 THE COURT: OKAY. I'M SORRY. CAN WE
10 JUST GO ROW BY ROW? OTHERWISE I MIGHT MISS
11 SOMEBODY.

12 LET ME START WITH MR. HOGAN. GO AHEAD,
13 PLEASE.

14 PROSPECTIVE JUROR: WHEN THE ECONOMY --
15 EXCUSE ME -- WENT SOUTH, I WAS TRYING TO ESTABLISH
16 A START-UP AND IT WENT BELLY UP AND, IN THE COURSE
17 OF EVENTS, I DIMINISHED ALL SAVINGS THAT I HAD AND
18 SUBSEQUENTLY, THROUGH FORECLOSURE, LOST MY HOUSE.

19 THE COURT: I'M SORRY TO HEAR THAT.

20 PROSPECTIVE JUROR: SO THAT WAS A
21 NEGATIVE IMPACT.

22 BUT IN TERMS OF ANYTHING ELSE, I FEEL
23 TOTALLY IMPARTIAL TO THE PROCEEDINGS.

24 THE COURT: OKAY. WOULD YOU -- YOU'VE
25 SEEN THE NUMBER OF DAYS THAT THIS TRIAL WOULD

1 REQUIRE; CORRECT?

2 PROSPECTIVE JUROR: YES.

3 THE COURT: WOULD IT BE A HARDSHIP FOR
4 YOU TO SERVE THIS MANY DAYS?

5 PROSPECTIVE JUROR: NO, NOT AT THIS TIME.

6 THE COURT: OKAY. ALL RIGHT. AND
7 NOTHING ABOUT YOUR EXPERIENCE -- I'M VERY SORRY TO
8 HEAR ABOUT IT -- THAT WOULD MAKE YOU FEEL RESENTFUL
9 TO ONE OF THESE PARTIES HERE TODAY?

10 PROSPECTIVE JUROR: OF COURSE NOT.

11 THE COURT: OKAY. THANK YOU.

12 ANYONE ELSE ON ROW 1?

13 ALL RIGHT. LET'S GO TO MR. BURGE,
14 PLEASE, IF YOU WOULD PASS THE MICROPHONE DOWN.

15 OH, OKAY. LET'S GO TO MS. FLAVIN.

16 PROSPECTIVE JUROR: SORRY, YOUR HONOR.

17 I WAS LAID OFF BACK IN APRIL OF THIS
18 YEAR, AND I RECENTLY STARTED A NEW POSITION WITH
19 RESPONSIBILITY FOR OTHER EMPLOYEES, SOME OF WHICH
20 START THIS WEEK.

21 THE COURT: ALL RIGHT. WOULD IT BE A
22 HARDSHIP FOR YOU TO SERVE THIS MANY DAYS AFTER YOU
23 STARTED A NEW JOB?

24 PROSPECTIVE JUROR: IT COULD BE DONE. I
25 COULD DO IT. I HAVE SOME NEW EMPLOYEES THAT ARE

1 STARTING THAT I'M RESPONSIBLE FOR TRAINING. THAT'S
2 THE DIFFICULT PART.

3 THE COURT: WELL, IF YOU'VE GOTTEN THIS
4 NEW POSITION, I DON'T WANT TO JEOPARDIZE IT IN ANY
5 WAY BY TAKING YOU AWAY FROM YOUR JOB. WHAT -- TELL
6 ME HOW YOU FEEL AND HOW YOU THINK YOUR EMPLOYER
7 WOULD FEEL IF YOU WERE TO BE ABSENT FROM WORK THIS
8 MANY DAYS.

9 PROSPECTIVE JUROR: I THINK IT WOULD BE
10 CONSIDERED DIFFICULT FROM THE EMPLOYER'S
11 PERSPECTIVE. I'M ABOUT TWO MONTHS INTO THE
12 POSITION AS A DIRECTOR FOR THE COMPANY IN OUR SALES
13 DIVISION.

14 LIKE I SAID, I WOULD DO IT. I THINK THAT
15 THE EMPLOYER WOULD SEE IT AS A DIFFICULT MATTER TO
16 OVERCOME.

17 THE COURT: OKAY. ALL RIGHT. HAVE YOU
18 HAD CONVERSATIONS WITH YOUR EMPLOYER ABOUT THIS
19 JURY SERVICE?

20 PROSPECTIVE JUROR: I DID LAST WEEK, JUST
21 IN CONTEXT OF, YOU KNOW, I'VE BEEN SUMMONED AND
22 I'LL KNOW MORE DETAILS, OBVIOUSLY, AS WE GO
23 FORWARD.

24 THE COURT: ALL RIGHT. I DON'T WANT TO
25 CREATE A PRECEDENT HERE, BUT IS THERE AN OBJECTION

1 TO EXCUSING MR. BURGE FOR HARDSHIP?

2 MR. LEE: NO, YOUR HONOR.

3 MR. PRICE: NO, YOUR HONOR.

4 THE COURT: OKAY. YOU'RE THANKED AND
5 EXCUSED.

6 NOW, I DON'T WANT TO HAVE EVERYONE LEARN
7 A LESSON HERE.

8 BUT I GREATLY APPRECIATE YOUR WILLINGNESS
9 TO SERVE. THAT'S REALLY ADMIRABLE AND THANK YOU, I
10 REALLY APPRECIATE THAT, BUT I DON'T WANT TO
11 JEOPARDIZE YOUR NEW POSITION. OKAY.

12 PROSPECTIVE JUROR: THANK YOU, YOUR
13 HONOR.

14 THE COURT: SO IF YOU WOULD PLEASE GO
15 BACK TO THE JURY ASSEMBLY ROOM ON THE SECOND FLOOR,
16 GO BACK TO MR. YOUNGER AND HE'LL GIVE YOU PROOF
17 THAT YOU DID YOUR JURY DUTY AND WORK OUT THE
18 LOGISTICS.

19 THANK YOU. YOU ARE THANKED AND EXCUSED.

20 PROSPECTIVE JUROR: THANK YOU, YOUR
21 HONOR.

22 THE COURT: ALL RIGHT. AND I'M SORRY,
23 MS. FLAVIN, YOU RAISED YOUR HAND?

24 PROSPECTIVE JUROR: I WAS JUST TRYING TO
25 GET THE MIKE TO HIM.

1 THE COURT: OH, OKAY. ALL RIGHT. THANK
2 YOU.

3 ALL RIGHT. WHO ON THE SECOND ROW RAISED
4 THEIR HAND? ANYONE ON THE SECOND ROW? NO? OKAY.

5 WHAT ABOUT ON THE THIRD ROW?

6 ALL RIGHT. LET'S GO TO MR. ROGERS.

7 CAN YOU PASS THE MICROPHONE, PLEASE?

8 PROSPECTIVE JUROR: NOT SO MUCH DIRECTLY,
9 BUT INDIRECTLY, MY DAD'S A CARPENTER AND HE HASN'T
10 BEEN ABLE TO FIND MANY JOBS SINCE -- THAT ARE
11 WILLING TO GO THROUGH WITH REMODELS AND STUFF
12 SINCE, YOU KNOW, STUFF HAS GOTTEN WORSE AND HE'S
13 ACTUALLY HAD TO FILE FOR UNEMPLOYMENT TO KIND OF
14 HELP PAY FOR THE DEFICIT.

15 THE COURT: ALL RIGHT. DO YOU NEED TO
16 WORK TO HELP SUPPORT YOUR FAMILY? OR --

17 PROSPECTIVE JUROR: I'M CURRENTLY
18 UNEMPLOYED.

19 THE COURT: OKAY. WOULD IT BE A HARDSHIP
20 FOR YOU TO SERVE ON THIS JURY THIS MANY DAYS?

21 PROSPECTIVE JUROR: I DON'T THINK SO.
22 THE HARDEST THING IS I'M A DEPENDENT, SO I MIGHT
23 HAVE TO GET RIDES. THAT MIGHT GET A LITTLE
24 COMPLICATED. BUT I DON'T BELIEVE THAT'LL BE THAT
25 COMPLEX.

1 THE COURT: OKAY. I'M SORRY TO HEAR
2 ABOUT YOUR FATHER'S SITUATION. IS THERE ANYTHING
3 ABOUT HIS CURRENT CHALLENGES THAT WOULD AFFECT YOUR
4 ABILITY TO BE FAIR AND IMPARTIAL IN THIS CASE?

5 PROSPECTIVE JUROR: I DON'T -- I BELIEVE
6 NO.

7 THE COURT: OKAY.

8 PROSPECTIVE JUROR: I DON'T THINK IT HAS
9 ANYTHING TO DO WITH ELECTRONIC COMPANIES.

10 THE COURT: OKAY. AND WHAT ABOUT THE
11 RIDE SITUATION? DO YOU THINK YOU CAN WORK THAT
12 OUT?

13 PROSPECTIVE JUROR: THERE -- IT SEEMS
14 LIKE ALL THE DATES ARE IN THE MORNING, SO I -- IT
15 SHOULD PROBABLY BE NO PROBLEM AT ALL.

16 THE COURT: OKAY. AND PICK UPS AT THE
17 END OF THE DAY?

18 PROSPECTIVE JUROR: YEAH. I CAN WORK
19 THAT OUT.

20 THE COURT: ALL RIGHT. AND WHAT I MAY DO
21 IS ASK IF THERE ARE ANY JURORS WHO LIVE NEAR YOU,
22 LET ME FIND THAT OUT AND SEE IF THERE'S SOME
23 CARPOOLING WE COULD DO TO MAKE SURE THAT'S NOT A
24 BURDEN ON YOUR FAMILY. OKAY?

25 PROSPECTIVE JUROR: YEAH.

1 THE COURT: ALL RIGHT. THANK YOU.

2 ANYONE ELSE ON THE THIRD ROW?

3 OKAY. MR. ILAGAN, RIGHT?

4 PROSPECTIVE JUROR: YES.

5 THE COURT: GO AHEAD, PLEASE.

6 PROSPECTIVE JUROR: MY WIFE WAS LAID OFF
7 IN JANUARY OF 2008 AND SHE'S BEEN WORKING AS A TEMP
8 ON AND OFF SINCE THEN.

9 THE COURT: OKAY. AND WHAT WAS HER JOB
10 BEFORE SHE GOT LAID OFF?

11 PROSPECTIVE JUROR: SHE WAS IN PAYROLL.

12 THE COURT: OKAY. FOR WHOM DID SHE WORK?

13 PROSPECTIVE JUROR: OH, SEVERAL
14 COMPANIES. SHE WORKS FOR ACCOUNT TEMPS RIGHT NOW.

15 THE COURT: I SEE. OKAY. ANYTHING
16 ABOUT -- I'M SORRY TO HEAR ABOUT THAT. ANYTHING
17 ABOUT THAT EXPERIENCE THAT WILL AFFECT YOUR ABILITY
18 TO BE FAIR AND IMPARTIAL IN THIS CASE?

19 PROSPECTIVE JUROR: NO.

20 THE COURT: ALL RIGHT. THANK YOU.

21 LET'S GO TO, I KNOW MS. HOLLOWAY, YOU
22 WANTED TO SPEAK, AND WE'LL DO ANYONE ELSE ON ROW 4.

23 PROSPECTIVE JUROR: I'M CURRENTLY
24 UNEMPLOYED.

25 THE COURT: OKAY. AND WHAT DID YOU

1 PREVIOUSLY DO FOR WORK?

2 PROSPECTIVE JUROR: GENERAL MANAGER FOR
3 SODEXO SCIENCES IN FOSTER CITY.

4 THE COURT: OKAY. WOULD SERVING ON THIS
5 JURY BE A HARDSHIP FOR YOU?

6 PROSPECTIVE JUROR: NO HARDER THAN BEING
7 UNEMPLOYED, NO.

8 THE COURT: ALL RIGHT. ANYTHING -- I'M
9 SORRY TO HEAR ABOUT THIS.

10 ANYTHING ABOUT YOUR SITUATION THAT WOULD
11 MAKE IT DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL
12 TO BOTH SIDES?

13 PROSPECTIVE JUROR: NONE AT ALL.

14 THE COURT: ALL RIGHT. THANK YOU.

15 ANYONE, I THINK MR. WONG, YOU RAISED YOUR
16 HAND. IS THAT RIGHT?

17 OH, OKAY, LET'S GO TO MR. COYLE THEN
18 FIRST. GO AHEAD.

19 PROSPECTIVE JUROR: YEAH. I'M CURRENTLY
20 EMPLOYED AT POWER HOUSE ELECTRONICS AS AN
21 ELECTRICIAN, AND I REALLY NEED TO WORK AS MUCH AS
22 POSSIBLE RIGHT NOW SO I CAN PAY RENT AND LIVE
23 HEALTHY.

24 THE COURT: OKAY. AND YOU WILL NOT GET
25 PAID DURING THE JURY DAYS; IS THAT RIGHT?

1 PROSPECTIVE JUROR: WHAT?

2 THE COURT: YOU WILL NOT GET PAID BY
3 POWER HOUSE ELECTRIC WHEN YOU ARE ON THE JURY?

4 PROSPECTIVE JUROR: NO, I WON'T.

5 THE COURT: AND THAT WOULD BE A HARDSHIP
6 FOR YOU?

7 PROSPECTIVE JUROR: YEAH.

8 THE COURT: ANY OBJECTION TO EXCUSING
9 MR. COYLE FOR HARDSHIP?

10 MR. LEE: NO OBJECTION.

11 MR. PRICE: NO OBJECTION.

12 THE COURT: ALL RIGHT. THEN YOU ARE
13 THANKED AND EXCUSED. THANKS FOR BEING WILLING TO
14 SERVE, SIR, BUT YOU'RE THANKED AND EXCUSED.

15 IF YOU COULD PLEASE GO TO THE SECOND
16 FLOOR AND CHECK IN WITH MR. YOUNGER BEFORE YOU
17 LEAVE, HE CAN GIVE YOU THE PAPERWORK.

18 PROSPECTIVE JUROR: ALL RIGHT, COOL.
19 HAVE A GOOD DAY.

20 THE COURT: THANK YOU. YOU, TOO.

21 ALL RIGHT. LET'S GO TO MR. WONG.

22 PROSPECTIVE JUROR: YEAH, I'M RECENTLY
23 LAID OFF FROM HEWLETT-PACKARD, AND I'M CURRENTLY
24 APPLYING FOR JOBS IN A FEW -- IN MANY COMPANIES.

25 AND SO I WOULD LIKE NOT TO MISS ANY

1 OPPORTUNITIES DURING THIS TIME FOR POTENTIAL
2 INTERVIEWS.

3 THE COURT: OKAY. ALL RIGHT. IS THERE
4 ANY OBJECTION TO THANKING AND EXCUSING MR. WONG FOR
5 HARDSHIP?

6 MR. LEE: NO, YOUR HONOR.

7 MR. PRICE: NO, YOUR HONOR.

8 THE COURT: ALL RIGHT. MR. WONG, THANK
9 YOU FOR YOUR WILLINGNESS TO SERVE AND GOOD LUCK IN
10 YOUR JOB SEARCH.

11 PROSPECTIVE JUROR: THANK YOU.

12 THE COURT: IF YOU WOULD, PLEASE, SIR, GO
13 TO THE SECOND FLOOR AND JUST CHECK IN WITH
14 MR. YOUNGER BEFORE YOU GO.

15 ALL RIGHT. LET'S GO TO THE FIFTH ROW,
16 PLEASE. ANYONE ON THE FIFTH ROW RAISE THEIR HAND?

17 ALL RIGHT. LET'S GO TO MR. LADWIG.

18 PROSPECTIVE JUROR: I'M UNEMPLOYED. I'VE
19 BEEN OUT OF WORK SINCE 2007 LOOKING FOR A JOB. I
20 WORKED FOR CREDENCE SYSTEMS IN THE PAST AS AN
21 ENGINEER AND I'M STILL LOOKING FOR A JOB.

22 THE COURT: ALL RIGHT. WOULD IT BE A
23 HARDSHIP FOR YOU TO SERVE ON THIS JURY WHEN YOU'RE
24 GOING TO BE OCCUPIED WITH THIS MANY DAYS, THIS MANY
25 WEEKS?

1 PROSPECTIVE JUROR: NO.

2 THE COURT: NO? OKAY. I'M SORRY TO HEAR
3 ABOUT YOUR SITUATION.

4 WOULD THIS IN ANY WAY AFFECT YOUR ABILITY
5 TO BE -- WELL, I THINK WE'RE ALREADY GOING TO BE
6 TALKING ABOUT SOME OF THESE ISSUES.

7 BUT BASED ON THE EMPLOYMENT SITUATION,
8 WOULD THAT AFFECT YOUR ABILITY TO BE FAIR TO BOTH
9 SIDES?

10 PROSPECTIVE JUROR: NO.

11 THE COURT: OKAY. ALL RIGHT. THANK YOU.

12 ANYONE ELSE ON ROWS 5 OR 6?

13 ALL RIGHT. THE RECORD SHOULD REFLECT
14 THAT NO FURTHER HANDS HAVE BEEN RAISED.

15 ALL RIGHT. LET ME JUST ASK, I KNOW THAT
16 YOU ALL PREVIOUSLY HAD SAID YOU COULD ATTEND OUR
17 DATES, AND I THINK YOU HAVE ON YOUR CHAIR THE DATES
18 AND TIMES OF THIS TRIAL, BUT, YOU KNOW,
19 CIRCUMSTANCES CHANGE.

20 IS THERE ANYONE HERE THAT WE HAVEN'T
21 COVERED FOR WHOM IT WOULD BE A HARDSHIP TO SERVE
22 THIS MANY DAYS?

23 AND LET ME JUST TELL YOU THAT, AS I SAID
24 BEFORE, I HAVE IMPOSED TIGHT TIME LIMITS ON THE
25 PARTIES IN RESPECT OF YOUR TIME, AND AS WE GO

1 THROUGH THIS TRIAL, I'M GOING TO BE ANNOUNCING HOW
2 MUCH TIME PEOPLE ARE TAKING UP.

3 SO IT'S POSSIBLE THAT WE MAY FINISH THE
4 EVIDENCE PORTION OF THIS TRIAL POSSIBLY AS EARLY AS
5 THE 17TH OF AUGUST, BUT PROBABLY MORE LIKELY THE
6 20TH OR THE 21ST OF AUGUST.

7 AND THEN THE REST OF THE DAYS ARE FOR
8 YOUR DELIBERATIONS, AND I DON'T HAVE ANY LIMITS ON
9 YOUR DELIBERATIONS. IF YOU NEED TO GO BEYOND
10 AUGUST THE 24TH, BY ALL MEANS, WE'RE AVAILABLE FOR
11 THAT. BUT THE JURY DELIBERATION IS SOMETHING THAT
12 WE DON'T CONTROL THE LENGTH OF THAT.

13 SO LOOKING AT THIS SCHEDULE OF TRIAL
14 DATES AND TIMES, IS THERE ANYONE ELSE FOR WHOM
15 SERVICE WOULD BE A HARDSHIP? IF SO, WOULD YOU
16 RAISE YOUR HAND?

17 LET'S GO TO ONLY MS. PHAN ON LINE --
18 JUROR NUMBER 15. GO AHEAD.

19 PROSPECTIVE JUROR: JUST ON THE JURY
20 DELIBERATION DATES, THAT'S WHEN SCHOOL STARTS AT
21 SAN JOSE STATE, AND I DON'T REALLY WANT TO LOSE MY
22 CLASSES ON THOSE DATES.

23 THE COURT: SURE. WHEN DOES SCHOOL
24 START?

25 PROSPECTIVE JUROR: ON THE 22ND.

1 THE COURT: OKAY. ANY OBJECTION TO
2 EXCUSING MS. PHAN FOR HARDSHIP?

3 MR. LEE: NONE, YOUR HONOR.

4 MR. PRICE: NO, YOUR HONOR.

5 THE COURT: ALL RIGHT. MS. PHAN, THANK
6 YOU FOR YOUR WILLINGNESS TO SERVE, BUT I'M GOING TO
7 THANK AND EXCUSE YOU.

8 CAN YOU JUST LEAVE ALL THE PAPERS ON YOUR
9 CHAIR AND THE MICROPHONE, PLEASE?

10 AND IF YOU WOULD PLEASE JUST GO TO CHECK
11 IN WITH MR. YOUNGER, BUT THANK YOU SO MUCH FOR YOUR
12 WILLINGNESS TO SERVE TODAY.

13 OKAY. ANYONE ELSE FOR WHOM THIS SCHEDULE
14 IS A HARDSHIP?

15 LET'S GO BACK UP TO MR. REYES, PLEASE.

16 PROSPECTIVE JUROR: YEAH. JUST BY
17 LOOKING AT THE LENGTH OF TIME, I DIDN'T REALIZE HOW
18 LONG THIS WOULD, MIGHT PROLONG.

19 THE COURT: YES.

20 PROSPECTIVE JUROR: THAT -- I MEAN, FOR
21 ME, IT'S OKAY. BUT WE'RE -- YOU KNOW, WITH THE
22 CITY OF GILROY WHERE I WORK FOR, WE'RE KIND OF
23 SHORT STAFFED IN MY DEPARTMENT.

24 THE COURT: YES.

25 PROSPECTIVE JUROR: SO I DON'T KNOW, AND

1 I DIDN'T GO OVER WITH MY, YOU KNOW, MY SUPERVISOR
2 THE LENGTH OF TIME THAT IT COULD BE, SO I'M JUST --
3 FOR ME IT'S OKAY.

4 BUT FOR, YOU KNOW, BEING SHORT STAFFED,
5 SINCE THE LAYOFFS AND STUFF THAT THEY HAD BACK
6 WHEN, WE HAVEN'T RECOVERED FROM THAT YET.

7 BUT THAT'S THE ONLY THING.

8 THE COURT: OKAY. AND THERE'S NO ONE
9 ELSE WHO CAN DO YOUR JOB IN YOUR ABSENCE?

10 PROSPECTIVE JUROR: WELL, YEAH, THERE IS.
11 IT'S JUST THAT WE'RE SHORT STAFFED.

12 THE COURT: I SEE.

13 PROSPECTIVE JUROR: THERE'S A LOT TO DO
14 THERE. FOR ME, I CAN DO IT. BUT I JUST DIDN'T
15 MAKE A GOOD CONTACT WITH MY SUPERVISOR ABOUT HOW
16 LONG IT'S GOING TO BE, SO I'M NOT SURE IF -- YOU
17 KNOW, I'M COVERED BUT, YOU KNOW, I DON'T KNOW HOW
18 HE WOULD TAKE IT.

19 THE COURT: I SEE. AND MAY I ASK WHAT
20 YOU DO AT -- FOR THE CITY OF GILROY?

21 PROSPECTIVE JUROR: STREET MAINTENANCE
22 DEPARTMENT FOR THE CITY OF GILROY.

23 THE COURT: OKAY. SO YOU HAVE COVERAGE,
24 BUT YOUR CO-WORKERS MAY BE REALLY BURDENED BY THE
25 EXTRA WORK?

1 PROSPECTIVE JUROR: YEAH. WE'RE JUST
2 SHORT STAFFED WITH THE STUFF WE HAVE TO DO THERE.

3 THE COURT: OKAY. ALL RIGHT. WELL, I
4 APPRECIATE THAT, BUT I'M NOT GOING TO EXCUSE YOU
5 FOR HARDSHIP. THANK YOU.

6 PROSPECTIVE JUROR: WHAT'S THAT?

7 THE COURT: OKAY. LET'S GO TO NUMBER 13.
8 MR. BARRAGAN, GO AHEAD, PLEASE.

9 PROSPECTIVE JUROR: JUST A QUESTION. IF
10 I'M SELECTED, COULD I TAKE THE 17TH? I ALREADY
11 RSVP'D FOR MY COUSIN'S WEDDING.

12 THE COURT: SO THE 17TH YOU WOULD BE
13 GONE?

14 PROSPECTIVE JUROR: YEAH. I ALREADY HAVE
15 IT OFF FROM WORK.

16 THE COURT: OKAY. WELL, I THINK THAT
17 WOULD PROBABLY BE PROBLEMATIC BECAUSE WE CAN'T GO
18 FORWARD WITHOUT OUR FULL JURY, SO WE WOULDN'T BE
19 ABLE TO DO THE EVIDENCE, AND YOU CAN ONLY
20 DELIBERATE WHEN ALL TEN ARE IN THE ROOM. YOU
21 CAN'T -- YOU REALLY SHOULD EVEN WAIT IF SOMEONE IS
22 IN THE BATHROOM, BECAUSE EVERYONE WOULD NEED TO BE
23 PART OF THE DISCUSSION.

24 SO WOULD YOU BE LEAVING THE 16TH AS WELL,
25 OR JUST THE 17TH?

1 PROSPECTIVE JUROR: NO. IT'S JUST THE
2 17TH.

3 THE COURT: ALL RIGHT. IS THERE ANY
4 OBJECTION TO EXCUSING MR. BARRAGAN FOR CAUSE FOR
5 HARDSHIP EXCUSE?

6 MR. LEE: NONE.

7 MR. PRICE: NO, YOUR HONOR.

8 THE COURT: ALL RIGHT. THEN YOU ARE
9 THANKED AND EXCUSED, SIR. PLEASE GO CHECK IN ON
10 THE SECOND FLOOR WITH MR. YOUNGER.

11 THE CLERK: SIR, IF YOU COULD PLEASE
12 LEAVE THE INFORMATION ON YOUR CHAIR HERE. THANK
13 YOU.

14 THE COURT: YEAH, LEAVE THE INFORMATION
15 ON YOUR CHAIR.

16 I'M AFRAID TO ASK, BUT ANYONE ELSE?
17 OKAY. I GOT TWO MORE.

18 ALL RIGHT. LET'S GO TO MS. HUYNH.

19 PROSPECTIVE JUROR: I START SCHOOL AT
20 EVERGREEN COLLEGE ON THE 23RD.

21 THE COURT: ALL RIGHT. ANY OBJECTION TO
22 EXCUSING MS. HUYNH FOR HARDSHIP?

23 MR. LEE: NO, YOUR HONOR.

24 MR. PRICE: NO, YOUR HONOR.

25 THE COURT: ALL RIGHT. THEN YOU'RE

1 THANKED AND EXCUSED. PLEASE JUST CHECK IN WITH
2 MR. YOUNGER.

3 ALL RIGHT. I BELIEVE MR. WARMAN, YOU
4 RAISED YOUR HAND.

5 PROSPECTIVE JUROR: YES.

6 THE COURT: GO AHEAD, PLEASE.

7 PROSPECTIVE JUROR: I FEEL KIND OF BAD
8 ABOUT IT, BUT I HAVE A WEEK VACATION THAT'S ALREADY
9 PRESCHEDULED AT THAT TIME EVERY YEAR, AND I
10 CAN'T -- I DON'T KNOW IF I CAN CHANGE IT OR NOT. I
11 CAN CALL THEM AND ASK.

12 THE COURT: WHEN IS IT SCHEDULED FOR?

13 PROSPECTIVE JUROR: IT'S THE WEEK OF THE
14 20TH.

15 THE COURT: AND YOU WOULD BE OUT THE
16 WHOLE WEEK?

17 PROSPECTIVE JUROR: YEAH. I DIDN'T
18 REALIZE THIS WENT ALL THE WAY TO THAT WEEK. I
19 THOUGHT IT WAS THE WEEK BEFORE. I APOLOGIZE FOR
20 THAT.

21 THE COURT: THAT'S OKAY. IS THIS A
22 PREPAID VACATION?

23 PROSPECTIVE JUROR: YEAH.

24 THE COURT: YOU'VE ALREADY PAID FOR IT?

25 PROSPECTIVE JUROR: EVERY YEAR, YEAH.

1 THE COURT: OKAY. HOW MANY PEOPLE DO I
2 HAVE?

3 ALL RIGHT. ANY OBJECTION TO EXCUSING
4 MR. WARMAN FOR HARDSHIP?

5 MR. LEE: NONE, YOUR HONOR.

6 THE COURT: ALL RIGHT.

7 MR. PRICE: NO, YOUR HONOR.

8 THE COURT: MR. WARMAN, YOU'RE THANKED
9 AND EXCUSED. IF YOU WOULD PLEASE LEAVE THE PAPERS
10 ON YOUR CHAIR AND PLEASE CHECK IN WITH MR. YOUNGER.
11 THANK YOU.

12 PROSPECTIVE JUROR: I JUST NEED TO TAKE A
13 SMALL BREAK.

14 THE COURT: YES, WHY DON'T WE TAKE A --
15 WHY DON'T WE TAKE BIO BREAK? CAN WE TAKE IT FOR --
16 I'D LIKE TO KEEP GOING. WHAT ABOUT -- WOULD TEN
17 MINUTES BE SUFFICIENT? OKAY. LET'S TAKE A
18 TEN-MINUTE BREAK. THANK YOU.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 THE COURT: ALL RIGHT. LET ME READ YOU A
21 PRELIMINARY JURY INSTRUCTION BECAUSE WE'RE ABOUT TO
22 BREAK FOR LUNCH. I SORT OF TOLD YOU MOST OF THE
23 SUBSTANCE OF THIS ALREADY, BUT BECAUSE YOU HAVE TO
24 DECIDE THIS CASE BASED SOLELY ON THE EVIDENCE
25 THAT'S ADMITTED DURING THIS TRIAL AND TO APPLY THE

1 LAW ONLY AS I INSTRUCT YOU, YOU CAN'T BE EXPOSED TO
2 ANY OTHER INFORMATION UNTIL THE END OF THE CASE OR
3 UNTIL I TELL YOU OTHERWISE.

4 DO NOT COMMUNICATE WITH ANYONE IN ANY
5 WAY. DO NOT LET ANYONE ELSE COMMUNICATE WITH YOU
6 IN ANY WAY ABOUT THE MERITS OF THE CASE OR ANYTHING
7 TO DO WITH IT. THIS INCLUDES DISCUSSING THE CASE
8 IN PERSON, IN WRITING, BY PHONE OR ELECTRONIC MEANS
9 VIA E-MAIL, TEXT MESSAGES, OR ANY INTERNET CHAT
10 ROOM OR BLOG, WEBSITE OR OTHER FEATURE.

11 THIS APPLIES TO COMMUNICATING WITH YOUR
12 FELLOW JURORS UNTIL I GIVE YOU THE CASE FOR
13 DELIBERATION, AND IT APPLIES TO COMMUNICATING WITH
14 ANYONE ELSE, INCLUDING YOUR FAMILY MEMBERS, YOUR
15 EMPLOYER, THE MEDIA, THE PRESS, AND THE PEOPLE
16 INVOLVED IN THE TRIAL.

17 ALTHOUGH YOU MAY NOTIFY YOUR FAMILY AND
18 YOUR EMPLOYER THAT YOU HAVE BEEN SEATED AS A JUROR
19 IN THIS CASE IF YOU ARE, IN FACT, SEATED, BUT IF
20 YOU'RE ASKED OR APPROACHED IN ANY WAY ABOUT YOUR
21 JURY SERVICE OR ANYTHING ABOUT THIS CASE, YOU MUST
22 RESPOND THAT YOU HAVE BEEN ORDERED NOT TO DISCUSS
23 THE MATTER AND TO REPORT THE CONTACT TO THE COURT.

24 BECAUSE YOU WILL RECEIVE ALL THE EVIDENCE
25 AND LEGAL INSTRUCTION YOU PROPERLY MAY CONSIDER TO

1 RETURN A VERDICT, YOU ARE NOT TO READ, WATCH, OR
2 LISTEN TO ANY NEWS OR MEDIA ACCOUNTS OR COMMENTARY
3 ABOUT THE CASE OR ANYTHING TO DO WITH IT.

4 DO NOT DO ANY RESEARCH, SUCH AS
5 CONSULTING DICTIONARIES, SEARCHING THE INTERNET, OR
6 USING OTHER REFERENCE MATERIALS, AND DO NOT MAKE
7 ANY INVESTIGATION OR IN ANY OTHER WAY TRY TO LEARN
8 ABOUT THE CASE ON YOUR OWN.

9 SO NO ONE IS TO DO THEIR OWN CSI
10 INVESTIGATION. IT'S LIMITED TO WHAT YOU CAN
11 CONSIDER FROM THE COURTROOM IN THIS TRIAL.

12 THE LAW REQUIRES THESE RESTRICTIONS TO
13 ENSURE THE PARTIES HAVE A FAIR TRIAL BASED ON THE
14 SAME EVIDENCE THAT EACH PARTY HAS HAD AN
15 OPPORTUNITY TO ADDRESS.

16 A JUROR WHO VIOLATES THESE RESTRICTIONS
17 JEOPARDIZES THE FAIRNESS OF THESE PROCEEDINGS AND A
18 MISTRIAL COULD RESULT THAT WOULD REQUIRE US TO DO
19 THE ENTIRE TRIAL PROCESS ALL OVER FROM THE
20 BEGINNING.

21 SO IF ANY JUROR IS EXPOSED TO ANY OUTSIDE
22 INFORMATION, PLEASE NOTIFY THE COURT IMMEDIATELY.

23 NOW, BECAUSE NONE OF US CAN SPEAK WITH
24 YOU IF WE RUN INTO YOU IN THE HALLWAY OR IN THE
25 BATHROOM AND DON'T SHOW ANY EXPRESSION AND ARE NOT

1 FRIENDLY, IT'S NOT THAT WE DON'T LIKE YOU. BUT WE
2 JUST CANNOT CREATE ANY SITUATION WHERE A
3 CONVERSATION WOULD START.

4 I'M SAYING THAT AS WELL FOR THE PARTIES
5 AND THE LAWYERS. IT'S NOT THAT THEY'RE UNFRIENDLY.
6 IT'S JUST THAT WE CAN'T HAVE ANY COMMUNICATION WITH
7 YOU. IF YOU SEE SOME SLIGHT AWKWARD AVOIDANCE,
8 IT'S BECAUSE EVERYONE IS TRYING TO RESPECT THE
9 INTEGRITY OF THE JURY.

10 OKAY. ALL RIGHT. WHAT I'D LIKE TO DO IS
11 I HAVE SOME MORE QUESTIONS AND THEN I'M GOING TO
12 EXCUSE EVERYONE EARLY AND THEN I'D LIKE TO HAVE
13 MR. TRIPIANO AND MR. DEPRIEST AND MR. SHAH AND --
14 ACTUALLY, MS. HUYNH IS NOW GONE -- BUT MR. LADWIG,
15 YOU'LL STAY BEHIND. I WILL ASK YOU JUST TO WAIT IN
16 OUR JURY ROOM HERE AND I'LL BRING YOU OUT ONE BY
17 ONE AND THEN WE'LL HAVE A MORE PRIVATE
18 CONVERSATION.

19 OKAY? BUT UNTIL WE GET TO THAT POINT,
20 LET'S KEEP GOING.

21 LET ME ASK, WHO HERE HAS OWNED A
22 BUSINESS? CAN YOU RAISE YOUR HAND IF YOU'VE OWNED
23 A BUSINESS?

24 ALL RIGHT. CAN WE HAVE THE MICROPHONE
25 PASSED BACK, PLEASE? THANK YOU.

1 THE CLERK: YOU WANT TO START BACK HERE?

2 THE COURT: YES. LET'S START WITH

3 MR. HOGAN.

4 WHAT KIND OF BUSINESS HAVE YOU HAD, SIR?

5 PROSPECTIVE JUROR: I HAVE -- I HAD -- I

6 HAD A START-UP -- I HAD A START-UP IN VIDEO

7 COMPRESSION FROM ABOUT 2000 UNTIL IT WENT BELLY UP

8 IN 2007.

9 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10 WE'LL GET INTO A LITTLE MORE OF YOUR BACKGROUND IN

11 A MINUTE.

12 LET ME ASK MR. BELLA, DID YOU RAISE YOUR

13 HAND?

14 PROSPECTIVE JUROR: YES. MY FATHER AND

15 MY BROTHERS HAD OUR OWN BUSINESS, A TWO-WAY RADIO

16 BUSINESS STARTING IN THE 1970S, ABOUT 18 YEARS.

17 THAT WAS THE BEGINNING OF GPS AND CELL PHONES, SO

18 WE WERE KIND OF ON THE GROUND FLOOR ON THAT, AS

19 WELL AS THE TWO-WAY RADIO BUSINESS.

20 THE COURT: OKAY. THANK YOU.

21 ANYONE ELSE ON ROW 1? NO.

22 WHAT ABOUT ROW 2?

23 ALL RIGHT. LET'S GO TO MS. LEROSE.

24 PROSPECTIVE JUROR: YES, I OWN MY OWN

25 NATIONALLY ACCREDITED PRESCHOOL AND CLOSED IT IN

1 2005 TO TAKE CARE OF A SISTER WHO HAS SINCE PASSED;
2 AND OWNED A VACATION RENTAL, WHICH IS ALSO CLOSED
3 BECAUSE OF THE ECONOMY ACTUALLY.

4 THE COURT: OKAY. I'M NOT SURE I HEARD
5 ALL OF THAT. SO YOU CLOSED THE PRESCHOOL IN 2005
6 TO TAKE CARE OF A RELATIVE WHO'S SINCE PASSED AWAY?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: AND YOU ALSO HAD A VACATION
9 RENTAL, BUT NOT ANYMORE?

10 PROSPECTIVE JUROR: CORRECT.

11 THE COURT: OKAY. WHO ELSE? THANK YOU.

12 MR. TRIPIANO, GO AHEAD.

13 PROSPECTIVE JUROR: I HAD AN OFFSITE
14 ON-LINE BACKUP, DATA BACKUP BUSINESS, ONE OF THE
15 FIRST ONES WHEN THAT INDUSTRY WAS FIRST GETTING
16 STARTED. US PIONEERS ARE GONE AND -- BUT THE
17 INDUSTRY HAS GONE ON TO BE PRETTY DOMINANT TODAY.

18 THE COURT: OKAY. ALL RIGHT. THANK YOU.

19 WHAT ABOUT MS. FRIESEN?

20 PROSPECTIVE JUROR: CORRECT. I HAVE -- I
21 USED TO OWN A FRANCHISE INSURANCE AGENCY.

22 THE COURT: AND HOW LONG AGO WAS THAT?

23 PROSPECTIVE JUROR: 2006, I BELIEVE.

24 THE COURT: OKAY. ALL RIGHT. THANK YOU.

25 MR. CATHERWOOD? YOU DIDN'T RAISE YOUR

1 HAND. OKAY.

2 WHAT ABOUT ON -- MR. DEPRIEST?

3 PROSPECTIVE JUROR: I OWNED TWO RESALE
4 STORES. I STARTED IN 1998 AND CLOSED IN 2003. ONE
5 WAS IN DOWNTOWN SANTA CRUZ, ONE WAS ON CANNERY ROW
6 IN MONTEREY.

7 THE COURT: AND WHAT WAS SOLD THERE?

8 PROSPECTIVE JUROR: TCHOTCHKES THAT
9 TOURISTS BUY.

10 THE COURT: THANK YOU. MR. SHAH, DID YOU
11 RAISE YOUR HAND? NO? OKAY.

12 ANYONE ELSE ON ROW 3? NO? OKAY.

13 ROW 4, ROW 5, ROW 6, ANYONE ELSE OWNED A
14 BUSINESS?

15 ALL RIGHT. LET'S GO, PLEASE, TO
16 MR. THORPE.

17 PROSPECTIVE JUROR: I HAD A COFFEE CART
18 THAT I RAN FOR EIGHT AND A HALF YEARS AND I SOLD IT
19 SIX YEARS AGO. IT WAS LOCATED INSIDE OF A
20 HOSPITAL.

21 THE COURT: OKAY. THANK YOU.

22 ALL RIGHT. LET ME ASK -- OH, I'M SORRY.
23 WE HAVE ONE MORE HAND UP. MS. MATHUR.

24 PROSPECTIVE JUROR: YES.

25 THE COURT: NUMBER 20.

1 PROSPECTIVE JUROR: I WORK AS A HUMAN
2 RESOURCES CONSULTANT FOR AN AGENCY, BUT I WAS
3 LISTING MY HOME AS MY OFFICE.

4 THE COURT: OKAY.

5 PROSPECTIVE JUROR: BUT I CLOSED DOWN
6 LAST YEAR.

7 THE COURT: OKAY.

8 PROSPECTIVE JUROR: SO IT WASN'T
9 PREDOMINANTLY A BUSINESS, BUT I JUST WANTED TO
10 BRING THIS UP.

11 THE COURT: THANK YOU. THANK YOU.

12 OKAY. LET ME ASK HERE --

13 MR. LEE: YOUR HONOR, THERE'S ONE MORE
14 HAND.

15 THE COURT: I'M SORRY. CAN WE PASS THE
16 MICROPHONE TO MS. HALIM?

17 PROSPECTIVE JUROR: I DON'T DIRECTLY OWN
18 IT, BUT I'M THE GENERAL PARTNER OF A PARTNERSHIP
19 THAT OWNS THE CURRENT COMPANY THAT I'M WORKING IT.

20 THE COURT: OKAY. AND THAT'S THE VOICE
21 OVER I.P. COMPANY?

22 PROSPECTIVE JUROR: YES.

23 THE COURT: OKAY. ALL RIGHT. ANYONE
24 ELSE?

25 OKAY. THE RECORD SHOULD REFLECT NO ONE

1 ELSE HAS RAISED THEIR HANDS.

2 LET ME ACTUALLY GO AHEAD, I'M GOING TO
3 EXCUSE YOU A LITTLE EARLY AND I'D LIKE TO SPEAK IN
4 PRIVATE WITH MR. TRIPIANO, MR. DEPRIEST, MR. SHAH,
5 AND MR. LADWIG.

6 I'M GOING TO GO AHEAD AND EXCUSE YOU TEN
7 MINUTES EARLY FOR LUNCH. WE ARE TO START BACK UP
8 AT 1:00 O'CLOCK.

9 SO IF YOU WOULD, PLEASE --

10 MARTHA --

11 (DISCUSSION OFF THE RECORD BETWEEN THE
12 COURT AND THE CLERK.)

13 THE COURT: IF YOU WOULD, PLEASE, BY 1:00
14 O'CLOCK GO TO THE JURY ASSEMBLY ROOM, THAT'S THE
15 ROOM WHERE YOU WERE THIS MORNING ON THE SECOND
16 FLOOR, AND JUST REPORT IN THERE.

17 IN THE MEANTIME, SAME ADMONITION. DO NOT
18 SPEAK WITH ANYONE ABOUT THIS CASE. DO NOT DO ANY
19 RESEARCH ABOUT THIS CASE.

20 MR. TRIPIANO, I WANT TO SEIZE THAT PAPER.

21 NO ONE PLEASE DO ANY OF YOUR OWN RESEARCH
22 ON THE CASE BECAUSE THE INTEGRITY OF THE JURY
23 REQUIRES THAT YOUR ONLY ACCESS TO INFORMATION ABOUT
24 THIS CASE IS THE EVIDENCE THAT'S ADMITTED DURING
25 THE TRIAL. OKAY? ALL RIGHT. SO PLEASE GO AHEAD.

1 I'M GOING TO ASK THAT THE FOUR
2 INDIVIDUALS THAT I'VE NAMED, IF YOU WOULD PLEASE
3 STAY.

4 PROSPECTIVE JUROR: LEAVE THIS HERE?

5 THE COURT: YES. KEEP ALL YOUR PAPERS
6 AND YOUR NUMBERS ON YOUR CHAIRS, PLEASE, NUMBERS
7 AND ALL PAPERWORK.

8 OKAY. SO WHAT WE'RE GOING TO DO, I'M
9 GOING TO ASK MR. DEPRIEST, MR. SHAH, AND
10 MR. LADWIG, WE'LL KEEP MR. TRIPIANO HERE FOR A
11 MINUTE, IF THE THREE OF YOU GENTLEMEN WOULD PLEASE
12 GO INTO OUR JURY ROOM, WE'RE GOING TO HAVE A
13 CONVERSATION OUTSIDE YOUR PRESENCE, AND THEN WE'LL
14 JUST BRING YOU IN EACH ONE BY ONE. OKAY? THANK
15 YOU.

16 (WHEREUPON, THE FOLLOWING PROCEEDINGS
17 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
18 JURORS WITH ONLY MR. TRIPIANO PRESENT.)

19 THE COURT: OTHER THAN MR. TRIPIANO, IS
20 THERE ANY OTHER JUROR IN THE COURTROOM?

21 OKAY. THE RECORD SHOULD REFLECT THAT
22 THERE ARE NONE.

23 ALL RIGHT. MR. TRIPIANO, GO AHEAD AND
24 TELL ME WHY YOU CAN'T BE FAIR AND IMPARTIAL IN THIS
25 CASE.

1 PROSPECTIVE JUROR: THERE ARE SEVERAL,
2 SEVERAL REASONS, BUT DIRECTLY RELATING TO WHAT I
3 READ THIS MORNING THAT HAS TO DO WITH THIS, TO ME
4 THIS SEEMS LIKE SOMETHING THAT WAS HASHED OUT YEARS
5 AGO WHEN APPLE SUED MICROSOFT FOR BASICALLY THE
6 SAME REASON, WHICH WAS --

7 THE COURT: OH, HANG ON A SECOND.

8 PROSPECTIVE JUROR: WHICH WAS THAT APPLE
9 HAD A VERY NICE OPERATING SYSTEM THAT WAS VERY
10 POPULAR.

11 MICROSOFT, THROUGH THEIR WINDOWS PRODUCT,
12 PRETTY MUCH REPLICATED IT, BUT HAD SOME SLIGHTLY
13 DIFFERENT FEATURES.

14 AND SO WE WENT THROUGH THIS WHOLE THING
15 BACK THEN, AND OBVIOUSLY MICROSOFT PREVAILED IN
16 THAT SITUATION.

17 SO, YOU KNOW, IN MY MIND THIS IS -- THIS
18 IS PRACTICALLY THE EXACT SAME THING, BUT NOW WE'RE
19 JUST DEALING WITH SLIGHTLY DIFFERENT TECHNOLOGY,
20 WHICH WAS THE TABLETS AND THE SMARTPHONES.

21 THE COURT: OKAY. LET ME INTERRUPT YOU
22 JUST A SECOND. I'M SORRY TO DO THIS. BUT -- SO
23 YOU CANNOT BE FAIR TO BOTH SIDES IN THIS CASE?

24 PROSPECTIVE JUROR: I THINK WE'VE DONE
25 THIS ALREADY.

1 THE COURT: I NEED A YES OR NO ANSWER TO
2 MY QUESTION.

3 PROSPECTIVE JUROR: NO.

4 THE COURT: YOU CANNOT.

5 ANY OBJECTION TO EXCUSING MR. TRIPIANO
6 FOR CAUSE?

7 MR. LEE: NO OBJECTION.

8 THE COURT: ALL RIGHT. MR. PRICE?

9 MR. PRICE: YOUR HONOR, MY ONLY REASON TO
10 NOT OBJECT AT THIS POINT IS I THINK THERE MIGHT BE
11 A MISUNDERSTANDING FOR -- AS TO WHAT THIS CASE IS
12 ABOUT. I'M NOT SURE THE PRESS WAS ACCURATE.

13 SO I'M WONDERING IF MR. TRIPIANO WAS
14 GIVEN, LIKE, A GENERAL DESCRIPTION AS TO, AS TO,
15 FOR EXAMPLE, THE FACT THAT THE OPERATING SYSTEMS
16 AREN'T INVOLVED HERE, WHETHER OR NOT THAT AFFECTS
17 WHETHER OR NOT HE THINKS HE MIGHT BE ABLE TO JUDGE
18 THIS CASE INDEPENDENTLY.

19 THE COURT: ALL RIGHT. HEARING THAT IT
20 DOESN'T INVOLVE OPERATING SYSTEMS --

21 PROSPECTIVE JUROR: RIGHT. AND I REALLY
22 DON'T KNOW, WHEN YOU GET DOWN TO THE WEEDS OF THIS,
23 AS TO WHAT THE ACTUAL TECHNOLOGY IS THAT WE'RE
24 TALKING ABOUT.

25 BUT IT IS SIMILAR -- IN MY MIND, FROM

1 WAS A JUROR, I REALLY DIDN'T FEEL LIKE JUSTICE GOT
2 DONE.

3 I MEAN, BETWEEN THE TWISTING AND THE
4 CONVOLUTED LOGIC THAT WE GOT FROM THE ATTORNEYS AND
5 THEN THE INSTRUCTIONS, IT WAS LIKE OUR HANDS WERE
6 TIED.

7 AND SO YOU SAID SEVERAL TIMES THAT, YOU
8 KNOW, BASED ON WHAT WE HEARD AND BASED ON YOUR
9 INSTRUCTIONS, WHAT YOU'RE TELLING ME IS I CAN'T --
10 I CAN'T USE MY --

11 THE COURT: YOU CAN'T SUBSTITUTE YOUR OWN
12 VIEWS OF WHAT THE LAW SHOULD BE.

13 PROSPECTIVE JUROR: NOT VIEWS OF THE LAW.

14 THE COURT: OKAY.

15 PROSPECTIVE JUROR: BUT JUST MY OWN SENSE
16 OF RIGHT AND WRONG, MY OWN SENSE OF JUSTICE. YOU
17 KNOW, IT'S ALL -- IT SEEMS, IN THIS SETTING, IT
18 SEEMS TO GET ALL TWISTED UP.

19 IN THE CASE WHERE I WAS A PARTY TO IT, WE
20 HAD -- OUR FAMILY HAD SOME RENTALS THAT WE HAD,
21 THERE WAS A FIRE ON CHRISTMAS EVE. THE WIFE DIED.
22 THE HUSBAND WAS BURNED OVER 30 PERCENT OF HIS BODY.
23 THE BABY, 18-MONTH-OLD BABY WAS BURNED OVER 85
24 PERCENT OF HIS BODY.

25 THE FIRE DEPARTMENT'S REPORT WAS THAT,

1 THAT THEY TOOK THE SMOKE DETECTOR --

2 THE COURT: I'M SORRY. I HAVE TO
3 INTERRUPT YOU.

4 PROSPECTIVE JUROR: THE BOTTOM LINE IS --

5 THE COURT: WHAT'S THE BOTTOM LINE? GIVE
6 ME THE BOTTOM LINE.

7 PROSPECTIVE JUROR: THE BOTTOM LINE OF
8 THAT WHOLE SITUATION WAS WE DIDN'T DO ANYTHING
9 WRONG, BUT OUR INSURANCE COMPANIES HAD TO PAY
10 MILLIONS OF DOLLARS TO -- FOR THE BABY.

11 NOW, I FELT BADLY FOR THE BABY.

12 BUT IN TERMS OF DOING JUSTICE AND WHAT'S
13 RIGHT AND WRONG --

14 THE COURT: YOU DON'T THINK THE JUSTICE
15 SYSTEM DID THAT IN THE TWO CASES WHERE YOU WERE A
16 JUROR AND ONE WHERE YOU WERE A PARTY?

17 PROSPECTIVE JUROR: RIGHT.

18 MR. PRICE: WE WITHDRAW OUR OBJECTION.

19 THE COURT: ALL RIGHT. THEN I'M GOING TO
20 THANK YOU AND EXCUSE YOU. THANK YOU FOR YOUR
21 WILLINGNESS TO SERVE.

22 IF YOU WOULD PLEASE LEAVE THE NUMBER AND
23 THE PAPERS ON YOUR CHAIR, AND IF YOU WOULD PLEASE
24 GO TO THE SECOND FLOOR AND JUST CHECK IN WITH
25 MR. YOUNGER AND HE CAN GIVE YOU THE PAPERWORK.

1 YOU CAN TAKE THAT WITH YOU.

2 ALL RIGHT. THANK YOU, SIR.

3 PROSPECTIVE JUROR: THANK YOU.

4 THE COURT: ALL RIGHT. LET'S BRING IN
5 MR. DEPRIEST.

6 (WHEREUPON, THE FOLLOWING PROCEEDINGS
7 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
8 JURORS WITH ONLY MR. DEPRIEST PRESENT.)

9 THE COURT: ALL RIGHT. YOU CAN TAKE ANY
10 SEAT YOU WISH.

11 WHY DON'T YOU BRIEFLY TELL US WHY YOU
12 THINK YOU CAN'T BE FAIR AND IMPARTIAL.

13 PROSPECTIVE JUROR: ONE OF THE PLAINTIFFS
14 IS MY EMPLOYER.

15 THE COURT: ALL RIGHT. AND SO YOU COULD
16 NOT KEEP AN OPEN MIND? YOU WOULD FEEL PRESSURE TO
17 HAVE YOUR EMPLOYER PREVAIL IN THIS CASE?

18 PROSPECTIVE JUROR: I FEEL -- YES. I
19 MEAN, I WOULD LIKE FOR MY EMPLOYER TO PREVAIL.

20 THE COURT: ALL RIGHT. WELL, IS THERE AN
21 OBJECTION TO EXCUSING MR. DEPRIEST FOR CAUSE?

22 MR. PRICE: NO, YOUR HONOR.

23 MR. LEE: NONE, YOUR HONOR.

24 THE COURT: ALL RIGHT. THEN I'M GOING TO
25 THANK YOU AND EXCUSE YOU, MR. DEPRIEST. THANK YOU

1 FOR YOUR WILLINGNESS TO SERVE.

2 IF YOU WOULD LEAVE WHATEVER PAPERS ON THE
3 CHAIR.

4 AND THEN WOULD YOU PLEASE JUST REPORT TO
5 MR. YOUNGER AND MAKE SURE THAT --

6 PROSPECTIVE JUROR: YES, MA'AM.

7 THE COURT: ALL RIGHT. THANK YOU.

8 CAN YOU PLEASE BRING IN MR. SHAH.

9 (WHEREUPON, THE FOLLOWING PROCEEDINGS
10 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
11 JURORS WITH ONLY MR. SHAH PRESENT.)

12 THE COURT: THANK YOU, MR. SHAH. TAKE A
13 SEAT ANYWHERE.

14 MR. SHAH, YOU WANT TO JUST TELL US VERY
15 BRIEFLY WHY YOU DON'T THINK YOU COULD BE FAIR AND
16 IMPARTIAL IN THIS CASE?

17 PROSPECTIVE JUROR: BECAUSE MAINLY I'VE
18 BEEN ASSOCIATED WITH APPLE FROM ITS FOUNDING DAYS.
19 ACTUALLY, MY BROTHER, WHEN IT WAS FOUNDED, EVEN
20 WORKED THERE FOR A BRIEF PERIOD OF TIME.

21 AND SO, LIKE, FROM THE STANDPOINT OF
22 KNOWING THE GROWTH OF APPLE AND HOW THE UPS AND
23 DOWNS OF APPLE HAVE TAKEN PLACE OVER THE PAST 30
24 YEARS, I FEEL, AND WITH MY SON WORKING OVER THERE
25 ALSO, ESPECIALLY, I FEEL THAT IT'S KIND OF BRED

1 INTO THE FAMILY THAT WE ARE AN APPLE KIND OF
2 FAMILY.

3 THE COURT: ALL RIGHT. SO YOU CANNOT BE
4 FAIR TO SAMSUNG IN THIS CASE?

5 PROSPECTIVE JUROR: I BELIEVE SO.

6 THE COURT: ALL RIGHT. ANY OBJECTION TO
7 EXCUSING MR. SHAH FOR CAUSE?

8 MR. PRICE: OBVIOUSLY NOT.

9 MR. LEE: NO, YOUR HONOR.

10 THE COURT: ALL RIGHT. MR. SHAH, THANK
11 YOU VERY MUCH FOR YOUR WILLINGNESS TO SERVE, SIR,
12 BUT YOU'RE THANKED AND EXCUSED.

13 IF YOU WOULD LEAVE THE PAPERWORK ON THE
14 CHAIR AND JUST GO TO THE SECOND FLOOR AND REPORT TO
15 MR. YOUNGER. THANK YOU.

16 ALL RIGHT. LET'S BRING IN MR. LADWIG,
17 PLEASE.

18 (WHEREUPON, THE FOLLOWING PROCEEDINGS
19 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
20 JURORS WITH ONLY MR. LADWIG PRESENT.)

21 THE COURT: ANYWHERE YOU WANT, SIR. ALL
22 RIGHT. THE RECORD SHOULD REFLECT THAT MR. LADWIG
23 IS THE ONLY JUROR IN THE COURTROOM.

24 SIR, CAN YOU JUST VERY BRIEFLY TELL US
25 WHY YOU CAN'T BE FAIR AND IMPARTIAL TO BOTH SIDES

1 IN THIS CASE?

2 PROSPECTIVE JUROR: I PURCHASED A HUNDRED
3 SHARES OF APPLE STOCK WHEN IT WAS \$618, WHEN THE
4 HYPE WAS IT WAS GOING TO GO TO 700 TO A THOUSAND.

5 BUT ANYWAY, AS YOU KNOW, I'M -- I'M AT A
6 LOSS RIGHT NOW. SO I'M -- I KEEP UP THE SPEED ON
7 THE NEWS, APPLE NEWS EVERY DAY. I'M SIGNED UP TO
8 SEEKING NEWSLETTERS. I GET DOZENS AND DOZENS OF
9 E-MAIL NEWSLETTERS BY THE HOUR ABOUT APPLE STOCK.

10 AND I HAVE A LOT OF INTEREST IN APPLE
11 STOCK.

12 THE COURT: ALL RIGHT. SO YOU CANNOT BE
13 FAIR AND IMPARTIAL TO SAMSUNG IN THIS CASE?

14 PROSPECTIVE JUROR: TO BE HONEST, I'M --
15 I'M BIASED.

16 THE COURT: ALL RIGHT. IS THERE ANY
17 OBJECTION TO EXCUSING MR. LADWIG FOR CAUSE?

18 MR. LEE: NO, YOUR HONOR.

19 MR. PRICE: NO, YOUR HONOR.

20 THE COURT: ALL RIGHT. MR. LADWIG, THANK
21 YOU VERY MUCH, SIR, FOR YOUR WILLINGNESS TO SERVE.
22 YOU'RE THANKED AND EXCUSED.

23 AND IF YOU WOULD PLEASE JUST GO TO THE
24 SECOND FLOOR TO CHECK IN WITH MR. YOUNGER.

25 (WHEREUPON, THE FOLLOWING PROCEEDINGS

1 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
2 JURORS.)

3 THE COURT: OKAY. THE RECORD SHOULD
4 REFLECT THAT NO JURORS ARE IN THE COURTROOM.

5 I AM NOT PLANING TO REPLENISH THE POOL
6 BECAUSE WE HAVE ENOUGH HERE. I'LL CONTINUE WITH MY
7 QUESTIONS AND THEN I'LL GIVE YOU EACH YOUR 20
8 MINUTES.

9 I'M HOPING THAT WHEN I GO THROUGH ALL OF
10 MY QUESTIONS THAT PERHAPS YOU MAY NOT NEED YOUR
11 FULL 20 BECAUSE I PRETTY MUCH AM ASKING EVERYTHING
12 THAT YOU ALL HAVE SUGGESTED AND TRYING TO BE FAIRLY
13 COMPREHENSIVE ABOUT IT.

14 IF WE DIP BELOW 18, THEN I WILL REPLENISH
15 THE POOL WITH THAT NUMBER OF ADDITIONAL
16 INDIVIDUALS. OKAY.

17 MR. LEE: YOUR HONOR, MAY I JUST ASK A
18 QUESTION?

19 THE COURT: YES.

20 MR. LEE: AT SOME POINT IN YOUR
21 QUESTIONING, WILL THEY BE ASKED TO ANSWER THE
22 BIOGRAPHICAL QUESTIONS?

23 THE COURT: YES. I HAVE A FEW MORE JUST
24 GENERAL QUESTIONS. I'M GOING TO ASK WHETHER
25 THEY'VE BEEN INVOLVED IN A LAWSUIT; WHETHER THEY'VE

1 EVER APPLIED FOR A PATENT, COPYRIGHT OR TRADEMARK;
2 WHETHER THEY'VE EVER BEEN ACCUSED OF OR ACCUSED
3 ANYONE ELSE OF TAKING AN IDEA; ASK THEM ABOUT HOW
4 MUCH THEY BLOG, TWEET, FACEBOOK; AND JUST THEIR
5 GENERAL IMPRESSIONS OF THE PATENT SYSTEM.

6 I'LL ASK ABOUT SPECIFIC TECHNICAL
7 KNOWLEDGE -- I MEAN, THIS IS STARTING TO GET A
8 LITTLE BIT REDUNDANT -- AND THEN ASK THE INDIVIDUAL
9 QUESTIONS.

10 SO I'M REALLY HOPING THAT THIS WILL BE
11 EXHAUSTIVE ENOUGH THAT YOU WON'T NEED YOUR FULL 20
12 MINUTES.

13 AND THEN THEY'LL ANSWER THE QUESTIONS ON
14 THAT SHEET AND THEN I'LL TURN IT OVER TO YOU AND
15 I -- I DON'T REALLY -- I TRY TO DO THE CAUSES AS
16 WE'RE GOING ALONG TO SAVE TIME, SO YOU CAN MAKE A
17 FOR-CAUSE CHALLENGE LATER, BUT UNDERSTAND I FEEL
18 LIKE I'M DOING IT AS WE GO, SO IT MIGHT BE AN
19 UPHILL BATTLE. BUT WE'LL SEE HOW THE QUESTIONS HOW
20 AND HOW THINGS EVOLVE.

21 MR. LEE: YOUR HONOR, I ASK THAT QUESTION
22 BECAUSE AS TO JUROR NUMBER 2, WHO ACTUALLY HAS
23 STOCK OWNERSHIP IN GOOGLE, WE WOULD MAKE A
24 FOR-CAUSE CHALLENGE.

25 THE COURT: YES.

1 MR. LEE: I DIDN'T KNOW WHAT THE PRECISE
2 TIMING IS, BUT IF YOUR HONOR IS DOING IT AS WE GO
3 ALONG, I WOULD MAKE IT NOW.

4 THE COURT: ALL RIGHT. WELL, THAT'S
5 DENIED BECAUSE MR. OKAMOTO HAS VERY CREDIBLY AND
6 REPEATEDLY SAID THAT HE WOULD BE FAIR AND IMPARTIAL
7 TO BOTH SIDES.

8 HE HIMSELF OWNS AN IPAD, IPOD, A MAC AIR,
9 A MAC MINI, A MAC PRO.

10 I THINK THAT HIS CREDIBILITY, AS FAR AS
11 I'M CONCERNED, I BELIEVE HIM WHEN HE SAYS THAT HE
12 WILL BE FAIR AND IMPARTIAL.

13 SO AT THIS POINT THAT FOR-CAUSE CHALLENGE
14 IS DENIED.

15 ANYONE ELSE? YOU WANT TO GO FOR ANYONE
16 ELSE RIGHT NOW AND I CAN TELL YOU WHAT MY ANSWER IS
17 GOING TO BE.

18 MR. LEE: NONE FOR APPLE, YOUR HONOR.

19 MR. PRICE: NONE FOR SAMSUNG, YOUR HONOR.

20 THE COURT: WE'LL DO FURTHER VOIR DIRE OF
21 HIM AND SEE IF THAT CHANGES, BUT RIGHT NOW HE'S
22 BEEN SOLID THAT HE CAN BE FAIR AND IMPARTIAL, SO
23 HE'S STAYING ON UNTIL HE CONVINCES US OTHERWISE.

24 ALL RIGHT. LET'S TAKE A BREAK.

25 MR. MCELHINNY: HOUSEKEEPING MATTER.

1 LAST WEEK YOU SAID YOU DIDN'T WANT TO DIVIDE THE
2 OPENINGS.

3 THE COURT: YES.

4 MR. MCELHINNY: I'M WONDERING IF YOU'RE
5 GOING TO RECONSIDER THAT OR IF WE'RE NOT GOING TO
6 DO THE OPENING TODAY.

7 MR. VERHOEVEN: WE ALREADY REACHED
8 AGREEMENT LAST WEEK THAT THE OPENINGS WOULD BE DONE
9 TOGETHER.

10 THE COURT: THAT'S WHAT YOU WANTED AS
11 WELL.

12 MR. MCELHINNY: SO I'M JUST TRYING TO --
13 FOR OUR PLANNING PURPOSES, IT LOOKS LIKE THE
14 OPENINGS WILL BE TOMORROW MORNING.

15 THE COURT: UNFORTUNATELY, I THINK IT'S
16 NOT LIKELY TODAY. IT DEPENDS ON -- IF YOU WANT TO
17 WAIVE YOUR 20 MINUTES EACH, WE MIGHT BE ABLE TO DO
18 THEM TODAY.

19 MR. MCELHINNY: LET THE RECORD REFLECT NO
20 HANDS APPEARED.

21 (LAUGHTER.)

22 THE COURT: ALL RIGHT. I DIDN'T THINK
23 SO.

24 BUT THEN WE HAVE TO SHOW THEM THE JURY
25 VIDEO, WHICH IS 18 MINUTES; I'VE GOT TO READ THEM

1 THE PRELIMINARY JURY INSTRUCTIONS, AS WELL AS THE
2 STATEMENT THAT YOU ALL HAVE AGREED UPON ABOUT THE
3 FJC VIDEO.

4 SO I THINK IF YOU WANT TO KEEP IT
5 CONSOLIDATED, IT'S UNLIKELY.

6 BUT LET ME HEAR FROM YOU HOW LONG IS EACH
7 OF YOUR OPENINGS. I KNOW I'VE GIVEN YOU AN HOUR
8 AND A HALF EACH, BUT WHAT'S YOUR PLAN?

9 MR. VERHOEVEN: I THINK WE'RE BOTH GOING
10 TO TAKE CLOSE TO THE TIME. WE CERTAINLY ARE.

11 MR. MCELHINNY: AT THE MOMENT, WE'RE
12 CLOSE, YOUR HONOR.

13 THE COURT: ALL RIGHT. WE NEED A THREE
14 HOUR BLOCK OF TIME. I MEAN, WE CAN SEE, BUT I
15 THINK IT WOULD BE VERY DIFFICULT TO DO A THREE HOUR
16 BLOCK OF TIME THIS AFTERNOON. OKAY?

17 NOW, IN THE MEANTIME, IF YOU CAN, THE
18 DIFFERENT RECONSIDERATIONS AND I BELIEVE EVEN MORE
19 HAVE BEEN FILED SINCE WE'VE BEEN SITTING HERE, THE
20 PARAGRAPHS THAT YOU'RE GOING TO SUBMIT.

21 MR. VERHOEVEN: YES, YOUR HONOR.

22 THE COURT: CAN YOU DO THAT OVER THE
23 LUNCH HOUR?

24 MR. VERHOEVEN: WE CAN BE PREPARED TO
25 DISCUSS THAT AFTER WE FINISH WITH THIS AND SUBMIT

1 IT, YES, YOUR HONOR.

2 THE COURT: OKAY. WELL, IF YOU COULD
3 SUBMIT IT AS SOON AS POSSIBLE, I APPRECIATE IT.

4 MR. VERHOEVEN: THANK YOU, YOUR HONOR.

5 THE COURT: OKAY. THANK YOU ALL.

6 MR. MCELHINNY: YOU WANT US BACK AT 1:00,
7 YOUR HONOR?

8 THE COURT: YES.

9 MR. MCELHINNY: THANK YOU, YOUR HONOR.

10 THE COURT: THANK YOU.

11 (WHEREUPON, THE LUNCH RECESS WAS TAKEN.)

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AFTERNOON SESSION

1
2 (WHEREUPON, THE FOLLOWING PROCEEDINGS
3 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
4 JURORS.)

5 THE COURT: OKAY. ONE QUESTION THAT I
6 HAVE -- WELCOME BACK, EVERYBODY -- IS WHAT WE
7 SHOULD DO TODAY AFTER THE JURY IS SELECTED.

8 I COULD SHOW THEM THE VIDEO AND READ THE
9 STATEMENT REGARDING THE FEDERAL JUDICIAL CENTER
10 VIDEO.

11 I'M RELUCTANT TO START WITH THE JURY
12 INSTRUCTIONS IF WE DON'T HAVE THE LIMITING
13 INSTRUCTION AS TO MR. NISHIBORI COMPLETELY
14 RESOLVED, AND I DON'T WANT TO SORT OF READ IT
15 SEPARATELY AS AN ADD-ON TOMORROW.

16 DOES THAT MAKE ANY SENSE? BECAUSE THEN
17 IT JUST MAKES IT SEEM LIKE THAT'S NOT PART OF THE
18 PACK.

19 MR. VERHOEVEN: YES, YOUR HONOR.

20 THE COURT: SO SHOULD WE AT LEAST SHOW
21 THE VIDEO? I DON'T WANT TO ALSO LOSE A GOOD CHUNK
22 OF TIME THIS AFTERNOON, EITHER.

23 SO WE COULD SHOW THE VIDEO AND JUST READ
24 THE FJC STATEMENT AND JUST SAVE THE READING OF ALL
25 THE JURY INSTRUCTIONS UNTIL TOMORROW, OR I COULD AT

1 LEAST READ THE PRELIMINARY ONES AND GIVE THEM THE
2 BOOKS TOMORROW FOR ALL OF THEM.

3 DO HAVE ANY THOUGHTS ON THIS?

4 MR. VERHOEVEN: I THINK WE AGREE THAT IT
5 WOULDN'T MAKE SENSE TO SEPARATE THE NISHIBORI
6 INSTRUCTION SEPARATE FROM THE OTHERS AND THE
7 INITIAL INCLINATION WOULD BE CORRECT.

8 MR. MCELHINNY: I ACTUALLY DON'T -- I
9 THINK THE PROPER TIME FOR A LIMITING INSTRUCTION IS
10 WHEN THE EVIDENCE -- I BELIEVE THAT THE TIME FOR
11 THE LIMITING INSTRUCTION IS WHEN THE EVIDENCE COMES
12 INTO EVIDENCE.

13 BUT IF YOUR HONOR IS GOING TO ALLOW IT IN
14 THE OPENING, THEN I THINK THAT'S THE FIRST TIME
15 THEY'LL HEAR IT AND THAT'S IT.

16 I THINK A LIMITING INSTRUCTION THAT
17 POINTS TO SPECIFIC EVIDENCE AND SAYS "THIS IS THE
18 REASON I'M LETTING THIS IN," TO FOLD THAT IN A
19 PACKAGE OF FOUR MINUTES OF PRELIMINARY -- I THINK
20 IT OBTIATES THE PURPOSE OF IT BECAUSE IT'S SUPPOSED
21 TO BE TYING THE JURY'S MIND TO WHEN THEY FIRST HEAR
22 THE EVIDENCE SO THEY KNOW WHAT YOU'RE TALKING
23 ABOUT.

24 THE COURT: ALL RIGHT. LET'S BRING OUR
25 JURY UP --

1 THE CLERK: I'M WAITING TO HEAR FROM
2 MR. YOUNGER IF THEY'RE ALL DOWN THERE.

3 THE COURT: I'M SORRY?

4 THE CLERK: I'M WAITING TO HEAR FROM J
5 WHETHER THEY'RE ALL DOWN THERE. HE WAS GOING TO DO
6 ANOTHER ROLE CALL.

7 THE COURT: OH, ON ALL OF THEM? OKAY.

8 (DISCUSSION OFF THE RECORD BETWEEN THE
9 COURT AND THE CLERK.)

10 (PAUSE IN PROCEEDINGS.)

11 (WHEREUPON, THE FOLLOWING PROCEEDINGS
12 WERE HELD IN OF THE PRESENCE OF THE PROSPECTIVE
13 JURORS.)

14 THE COURT: OKAY. WELCOME BACK. PLEASE
15 TAKE A SEAT. WE HAD A FEW MORE DEPARTURES IN YOUR
16 ABSENCE.

17 LET'S CONTINUE WITH THE QUESTIONS.

18 THE NEXT QUESTION IS, HAVE YOU OR A
19 FAMILY MEMBER OR SOMEONE VERY CLOSE TO YOU EVER
20 BEEN INVOLVED IN A LAWSUIT, EITHER AS A PLAINTIFF,
21 A DEFENDANT, OR AS A WITNESS?

22 LET'S SEE. ON THE FIRST ROW, WHO WOULD
23 RAISE THEIR HAND TO THAT QUESTION?

24 ALL RIGHT. LET'S GO TO MR. HOGAN.

25 PROSPECTIVE JUROR: IN 2008, AFTER MY

1 COMPANY WENT BELLY UP, THE PROGRAMMER THAT WORKED
2 FOR ME FILED A LAWSUIT AGAINST ME AND ULTIMATELY,
3 ACROSS THE NEXT FEW MONTHS, IT WAS DISMISSED AND IN
4 SUCH A FASHION THAT NEITHER ONE OF US COULD SUE THE
5 OTHER ONE FOR THAT MATTER.

6 THE COURT: WHAT WAS HIS -- WHAT WAS THE
7 EMPLOYEE'S CLAIM?

8 PROSPECTIVE JUROR: IT WAS A DISPUTE OVER
9 THE SOFTWARE THAT WE HAD DEVELOPED, WHETHER IT
10 BELONGED TO THE COMPANY OR TO HIM, AND I HAD
11 DOCUMENTS THAT SHOWED IT BELONGED TO THE COMPANY.

12 ULTIMATELY, AS I SAID, IT WOULD -- WE
13 SETTLED OUT OF COURT AND IT WAS DISMISSED.

14 THE COURT: ALL RIGHT. ANYTHING ABOUT
15 THAT EXPERIENCE THAT WOULD AFFECT YOUR ABILITY TO
16 BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS CASE?

17 PROSPECTIVE JUROR: I DON'T BELIEVE SO.

18 THE COURT: OKAY. WAS THERE ANY
19 DISPUTE -- WAS THERE ANY DISPUTE AS TO WHO HAD
20 CREATED AND INVENTED THE TECHNOLOGY, OR WAS IT
21 LARGELY WHO HAD OWNERSHIP OF IT?

22 PROSPECTIVE JUROR: IT WAS STRICTLY WHO
23 HAD OWNERSHIP OF IT, AND ULTIMATELY IT WAS
24 ESTABLISHED THAT THE COMPANY DID HAVE OWNERSHIP OF
25 IT, ALTHOUGH -- AND I STILL DO -- ALTHOUGH THE

1 COMPANY IS NOT IN BUSINESS ANY LONGER.

2 THE COURT: I SEE. BUT WAS THERE A SORT
3 OF DISPUTE AS TO WHO HAD CREATED OR INVENTED THE
4 TECHNOLOGY AS PART OF THAT OWNERSHIP QUESTION?

5 PROSPECTIVE JUROR: YES, THERE WAS.

6 THE COURT: UM-HUM.

7 PROSPECTIVE JUROR: BUT LIKE I SAID, WE
8 SETTLED THAT -- BECAUSE OF DOCUMENTATION I HAD, WE
9 WERE ABLE TO SETTLE IT OUT OF COURT AND THEN WE
10 WENT BACK TO COURT ONE LAST TIME FOR THE DISMISSAL
11 PAPERWORK.

12 THE COURT: OKAY. ALL RIGHT. THANK YOU.
13 MS. ROUGIERI, I THINK YOU RAISED YOUR
14 CARD?

15 PROSPECTIVE JUROR: YES, I DID.

16 THE COURT: GO AHEAD.

17 PROSPECTIVE JUROR: I BROUGHT A LAWSUIT
18 AGAINST A DENTIST. THAT WAS IN 2005, 2006.

19 THE COURT: OH, CAN WE HAVE THE
20 MICROPHONE? APPARENTLY IN THE OVERFLOW ROOM, THEY
21 CAN'T HEAR THE JURORS WITHOUT THE MICROPHONE.

22 THANK YOU.

23 PROSPECTIVE JUROR: I HAD A SMALL CLAIM
24 AGAINST A DENTIST THAT WAS IN 2005. IT WORKED OUT
25 THAT WHEN WE DID THE SMALL CLAIM, I WON THE FIRST

1 TIME, AND HE HAD AN APPEAL AND HE BROUGHT HIS
2 LAWYER AND I LOST.

3 THE COURT: ALL RIGHT. SO YOU
4 REPRESENTED YOURSELF? WAS THAT IN SMALL CLAIMS
5 COURT?

6 PROSPECTIVE JUROR: IT WAS IN SMALL
7 CLAIMS COURT.

8 THE COURT: OKAY. ANYTHING ABOUT THAT
9 EXPERIENCE THAT WOULD AFFECT YOUR ABILITY TO BE
10 FAIR AND IMPARTIAL IN THIS CASE?

11 PROSPECTIVE JUROR: WELL, NO.

12 BUT IT AFFECTED ME BECAUSE THE LAWYER
13 KNOWS THE JUDGE. THE LAWYER THAT WAS AGAINST ME
14 KNOWS THE JUDGE, SO THEY WERE TALKING FRIENDLY
15 TERMS IN A WAY THAT THE CHILDREN, THEY PLAYED EACH
16 OTHER TOGETHER IN SCHOOL.

17 AND THAT REALLY I THINK -- MY BELIEF IS
18 THAT THAT'S HOW I LOST THE CASE, BECAUSE THE LAWYER
19 KNOWS THE JUDGE.

20 THE COURT: WAS THAT AFTER IT WAS
21 APPEALED TO THE SUPERIOR COURT JUDGE?

22 PROSPECTIVE JUROR: YES.

23 THE COURT: AND YOU'RE SAYING THAT THE
24 LAWYER KNEW THE SUPERIOR COURT JUDGE?

25 PROSPECTIVE JUROR: CORRECT, YES.

1 THE COURT: I SEE. AND YOU THOUGHT THAT
2 THERE WAS SOME UNFAIRNESS?

3 PROSPECTIVE JUROR: UNFAIRNESS TO THAT,
4 YES.

5 THE COURT: OKAY. WOULD YOUR NEGATIVE
6 IMPRESSION FROM THAT EXPERIENCE SPILL OVER INTO
7 THIS CASE AT ALL?

8 PROSPECTIVE JUROR: NO, NO, YOUR HONOR.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR: I -- NO, YOUR HONOR.

11 THE COURT: ALL RIGHT. AND THIS IS FOR
12 EVERYONE.

13 WE'LL TALK FURTHER ABOUT WHO'S BEEN ON
14 JURY DUTY, BUT THERE ARE DEFINITELY DIFFERENT, YOU
15 KNOW, STANDARDS OF PROOF IN DIFFERENT CASES, AND I
16 JUST WANTED TO MAKE SURE -- YOU ALL HAD CIVIL
17 CASES, SO I WOULD ASSUME THAT YOU ALSO HAD, YOU
18 KNOW, PREPONDERANCE OF THE EVIDENCE. DOES THAT
19 SOUND FAMILIAR?

20 AND WE'LL TALK ABOUT THIS A LITTLE BIT
21 LATER ON, BUT IN DIFFERENT TYPES OF CASES, THERE
22 MAY BE DIFFERENT STANDARDS OF PROOF, AND ALSO THE
23 LAW MAY HAVE CHANGED SINCE WHENEVER YOU WERE A
24 LITIGANT.

25 SO I WANT TO MAKE SURE THAT BOTH

1 MR. HOGAN, AND MS. ROUGIERI, THAT YOU WOULD APPLY
2 THE LAW AS I INSTRUCT YOU AND NOT BASED ON YOUR
3 UNDERSTANDING OF THE LAW BASED ON YOUR OWN CASES.

4 IS THAT CORRECT, MR. HOGAN?

5 PROSPECTIVE JUROR: YES.

6 THE COURT: AND MS. ROUGIERI?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: OKAY. ANYONE ELSE IN THE
9 FIRST ROW?

10 PROSPECTIVE JUROR: YES, SMALL CLAIMS --

11 THE COURT: WOULD YOU PLEASE USE THE
12 MICROPHONE? THANK YOU.

13 PROSPECTIVE JUROR: SMALL CLAIMS COURT,
14 AND I THINK IT WAS AT THE END OF 2011.

15 THE COURT: WHAT WAS THE BASIS OF THE
16 CLAIM? WERE YOU A DEFENDANT OR A CLAIMANT?

17 PROSPECTIVE JUROR: I BROUGHT SOMEONE TO
18 COURT WHO OWED ME MONEY.

19 THE COURT: AND WHAT WAS THE -- HOW DID
20 THAT RESOLVE?

21 PROSPECTIVE JUROR: IT WAS IN MY FAVOR.

22 THE COURT: DID YOU REPRESENT YOURSELF?

23 PROSPECTIVE JUROR: YES.

24 THE COURT: ALL RIGHT. ANYTHING BASED ON
25 THAT EXPERIENCE THAT LEAVES YOU WITH A LASTING

1 IMPRESSION ABOUT THE JUSTICE SYSTEM, ABOUT THE
2 COURTS, ABOUT --

3 PROSPECTIVE JUROR: NO, NO.

4 THE COURT: -- THE JUDICIARY THAT WOULD
5 AFFECT YOUR ABILITY TO BE FAIR HERE?

6 PROSPECTIVE JUROR: NO, NO PROBLEM.

7 THE COURT: ALL RIGHT. THANK YOU.

8 ANYONE ELSE ON ROW 2?

9 ALL RIGHT. LET'S GO TO MS. FRIESEN.

10 PROSPECTIVE JUROR: THERE WAS A SMALL
11 CLAIMS COURT CASE IN REGARDS TO THE BUSINESS I HAD,
12 IT WAS AN ADVERTISING CASE, AND THE OTHER COMPANY
13 WON THE SUIT.

14 THE COURT: WERE YOU THE PLAINTIFF OR THE
15 DEFENDANT?

16 PROSPECTIVE JUROR: DEFENDANT.

17 THE COURT: AND THIS WAS WITH REGARD TO
18 YOUR FRANCHISE INSURANCE AGENCY?

19 PROSPECTIVE JUROR: CORRECT.

20 THE COURT: OKAY. WHEN WAS THIS LAWSUIT?

21 PROSPECTIVE JUROR: I THINK IT WAS 2008.

22 THE COURT: I THOUGHT YOUR BUSINESS ENDED
23 IN 2006.

24 PROSPECTIVE JUROR: CORRECT.

25 THE COURT: OH. THIS WAS AFTER THE

1 BUSINESS HAD ALREADY RESOLVED?

2 PROSPECTIVE JUROR: CORRECT.

3 THE COURT: OKAY. AND YOU REPRESENTED
4 YOURSELF; RIGHT?

5 PROSPECTIVE JUROR: YES.

6 THE COURT: OKAY. ANYTHING FROM THAT
7 EXPERIENCE THAT LEFT YOU WITH A, EITHER A BAD TASTE
8 IN YOUR MOUTH OR A GOOD TASTE IN YOUR MOUTH ABOUT
9 THE SYSTEM, ABOUT JUDGES, LAWYERS THAT WOULD AFFECT
10 YOUR ABILITY TO BE FAIR HERE?

11 PROSPECTIVE JUROR: NOT THAT I KNOW OF.

12 THE COURT: OKAY. ALL RIGHT. THANK YOU.

13 WHAT ABOUT ROW 3? ANYONE RAISE THEIR
14 HAND? NO?

15 THE RECORD SHOULD REFLECT NO HANDS HAVE
16 BEEN RAISED.

17 WHAT ABOUT ROW 4, ROW 5?

18 OH, I'M SORRY. MS. HOLLOWAY, DID YOU
19 HAVE YOUR HAND RAISED?

20 IF YOU COULD PASS THE MICROPHONE, PLEASE,
21 TO MS. HOLLOWAY.

22 PROSPECTIVE JUROR: WORK-RELATED LAWSUIT
23 BACK IN 1986.

24 THE COURT: AND WERE YOU THE PLAINTIFF OR
25 THE DEFENDANT?

1 PROSPECTIVE JUROR: DEFENDANT.

2 THE COURT: AND WHAT WAS THE CLAIM?

3 PROSPECTIVE JUROR: AT THE TIME I WAS
4 WORKING FOR INTEL, AND SO ONE OF MY STAFF MEMBERS
5 BROUGHT A LAWSUIT AGAINST INTEL. WE WENT AS FAR AS
6 A DEPOSITION AND THEN HE DROPPED THE CASE.

7 THE COURT: OKAY. WAS IT SOME TYPE OF
8 EMPLOYMENT CASE?

9 PROSPECTIVE JUROR: YES, IT WAS.

10 THE COURT: I SEE. SO WERE YOU ACTUALLY
11 DEPOSED?

12 PROSPECTIVE JUROR: I WAS THE MANAGER.

13 THE COURT: I SEE. BUT YOU WERE DEPOSED,
14 OR NOT? DID THEY TAKE YOUR DEPOSITION?

15 PROSPECTIVE JUROR: OH, ABSOLUTELY, YES.

16 THE COURT: I SEE. ALL RIGHT. AND YOU
17 SAID THAT CASE RESOLVED HOW? IT WAS --

18 PROSPECTIVE JUROR: HE DROPPED THE CASE.

19 THE COURT: HE DROPPED THE CASE. OKAY.

20 ANYTHING FROM YOUR EXPERIENCE IN THAT
21 CASE THAT WOULD AFFECT YOUR ABILITY TO BE FAIR AND
22 IMPARTIAL HERE?

23 PROSPECTIVE JUROR: NONE WHATSOEVER.

24 THE COURT: OKAY. ALL RIGHT. THANK YOU.

25 ANYONE ON ROWS -- I KNOW MR. SINA, YOU

1 RAISED YOUR HAND. GO AHEAD.

2 PROSPECTIVE JUROR: YES. BACK IN 1998, I
3 HAD A SURGERY. I DIDN'T HAVE INSURANCE. I WAS
4 PURSUED BY THE DOCTOR AND I WENT TO THE JUDGE AND
5 WE AGREED TO -- I AGREED TO PAY THE FEES IN
6 INSTALLMENTS. THAT'S ALL I HAVE.

7 THE COURT: WAS THAT IN SMALL CLAIMS
8 COURT?

9 PROSPECTIVE JUROR: I'M SORRY. AT THAT
10 TIME, MY ENGLISH WAS NOT VERY GOOD, SO --

11 THE COURT: ALL RIGHT. WAS THAT HERE IN
12 SANTA CLARA COUNTY?

13 PROSPECTIVE JUROR: NO, NO. IT WAS IN
14 INDIANA.

15 THE COURT: I SEE. AND IT WAS -- WERE
16 YOU REPRESENTING YOURSELF?

17 PROSPECTIVE JUROR: I BELIEVE SO.

18 THE COURT: OKAY. ANYTHING FROM THAT
19 EXPERIENCE THAT WOULD IMPACT YOUR ABILITY TO BE
20 FAIR AND IMPARTIAL IN ANY WAY?

21 PROSPECTIVE JUROR: I HOPE NOT.

22 THE COURT: NO?

23 PROSPECTIVE JUROR: NO.

24 THE COURT: OKAY. ALL RIGHT. THANK YOU.

25 ANYONE ON ROW 5? OR ROW 6? I'M SORRY.

1 OKAY. THE RECORD SHOULD REFLECT NO HANDS
2 HAVE BEEN RAISED.

3 OKAY. NOW, RAISE YOUR HAND, PLEASE, IF
4 YOU HAVE EVER APPLIED FOR A PATENT, A COPYRIGHT, A
5 TRADEMARK OR TRADE DRESS REGISTRATION.

6 ALL RIGHT. SO WE HAVE THREE HANDS
7 RAISED. IF YOU WOULD -- OH, FOUR. ALL RIGHT.

8 WELL, SINCE THE MICROPHONE IS DOWN THERE,
9 WHY DON'T YOU GO AHEAD PLEASE AND GIVE THAT TO
10 MR. CHIU.

11 PROSPECTIVE JUROR: I WORK FOR -- I WORK
12 FOR THE NATIONAL SEMICONDUCTOR BEFORE AND THEY WERE
13 ACQUIRED BY TEXAS INSTRUMENTS, AND I FILED PATENTS
14 FOR THE COMPANY.

15 THE COURT: OKAY. AND WERE YOU AN
16 INVENTOR ON THAT PATENT?

17 PROSPECTIVE JUROR: YES.

18 THE COURT: WAS A PATENT ISSUED?

19 PROSPECTIVE JUROR: YES.

20 THE COURT: AND WITHOUT SPECIFICS, WHAT
21 WAS THE GENERAL TECHNOLOGY?

22 PROSPECTIVE JUROR: IT IS THE INTEGRATED
23 CIRCUIT RELATED.

24 THE COURT: INTEGRATED CIRCUIT DESIGN?

25 PROSPECTIVE JUROR: YES.

1 THE COURT: OKAY. HOW LONG AGO WAS THAT?

2 PROSPECTIVE JUROR: I THINK FROM 3 TO 15
3 YEARS. I HAVE SEVERAL PATENTS.

4 THE COURT: YOU HAVE SEVERAL. AND WERE
5 THEY ALL WHILE YOU WERE EMPLOYED AT NATIONAL
6 SEMICONDUCTOR?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: AND ARE THEY ALL RELATED TO
9 INTEGRATED CIRCUIT DESIGN?

10 PROSPECTIVE JUROR: YES.

11 THE COURT: ALL RIGHT. AND -- OKAY. ALL
12 RIGHT. AND THEY WERE ROUGHLY 15 YEARS AGO?

13 PROSPECTIVE JUROR: YES, FROM 3 TO 15
14 YEARS.

15 THE COURT: 3 TO 15 YEARS. OKAY. SO
16 VERY RECENTLY.

17 DO YOU HAVE PATENT APPLICATIONS PENDING
18 NOW?

19 PROSPECTIVE JUROR: YES.

20 THE COURT: YOU DO. OKAY. ALL WITHIN
21 INTEGRATED CIRCUIT DESIGN --

22 PROSPECTIVE JUROR: YES.

23 THE COURT: -- FIELD?

24 PROSPECTIVE JUROR: RIGHT.

25 THE COURT: OKAY. ALL RIGHT. WOULD THAT

1 IN ANY WAY -- YOU'LL BE INSTRUCTED ON WHAT THE LAW
2 IS AND WOULD YOU BE ABLE TO FOLLOW THE INSTRUCTIONS
3 I GIVE YOU ON THE LAW, EVEN IF IT MAY NOT
4 COMPLETELY CORRESPOND TO WHAT YOU MAY KNOW ABOUT
5 THE PATENT SYSTEM OR THE INTELLECTUAL PROPERTY
6 LAWS?

7 PROSPECTIVE JUROR: YES, I FOLLOW YOUR
8 INSTRUCTIONS.

9 THE COURT: OKAY. ALL RIGHT. THANK YOU.

10 LET'S GO, I THINK, TO MS. HALIM,
11 MR. OKAMOTO, AND MR. HOGAN. YOU RAISED YOUR HANDS.

12 OKAY. LET'S PLEASE START WITH MS. HALIM.

13 PROSPECTIVE JUROR: OKAY. I HAVE TWO
14 PATENTS. ONE IS ISSUED WHEN I WAS AT WEITEK, ALSO
15 I.C. DESIGN.

16 ANOTHER ONE WAS AT SILICON GRAPHICS.

17 THE COURT: AND IT WAS ALSO ON I.C.

18 DESIGN?

19 PROSPECTIVE JUROR: YES, RIGHT.

20 THE COURT: OKAY. WERE PATENTS ISSUED?

21 PROSPECTIVE JUROR: YES.

22 THE COURT: AND YOU WERE THE INVENTOR ON
23 BOTH?

24 PROSPECTIVE JUROR: YES.

25 THE COURT: OKAY. ALL RIGHT. ANYTHING

1 FROM THAT EXPERIENCE -- BASICALLY YOU OBVIOUSLY
2 WILL BRING YOUR LIFE EXPERIENCE TO YOUR ROLE AS A
3 JUROR, BUT WOULD YOU BE ABLE TO SET THAT ASIDE,
4 YOUR PREVIOUS EXPERIENCE WITH PATENTS, AND DECIDE
5 THIS CASE BASED SOLELY ON THE LAW AS YOU'RE
6 INSTRUCTED AND THE EVIDENCE THAT'S ADMITTED DURING
7 THE TRIAL?

8 PROSPECTIVE JUROR: YES.

9 THE COURT: OKAY. THANK YOU.

10 LET'S GO TO MR. OKAMOTO, PLEASE.

11 PROSPECTIVE JUROR: SO A COUPLE OF MY
12 PROJECTS AT GOOGLE INVOLVED, I THINK THE FIRST
13 PATENT WAS SOME TYPE OF VIDEO U/I LAYOUT.

14 THE COURT: UM-HUM.

15 PROSPECTIVE JUROR: AND IT WAS ME AND
16 SEVERAL MEMBERS OF OUR TEAM. SO IT WAS SO-AND-SO
17 THAT WAS ONE.

18 THERE'S ACTUALLY -- I THINK I FILED A
19 FEW. I'M NOT SURE IF I REMEMBER ALL OF THEM IN
20 DETAIL, BUT MOSTLY RELATED TO VIDEO PRESENTATION
21 AND BEHAVIOR.

22 THE COURT: SO THEY'RE ALL USER INTERFACE
23 PATENTS?

24 PROSPECTIVE JUROR: YES.

25 THE COURT: OKAY. AND WHAT'S THE TIME

1 PERIOD?

2 PROSPECTIVE JUROR: SO I STARTED
3 GOOGLE -- IT'S WITHIN THE LAST SEVEN YEARS, MOSTLY
4 ABOUT SIX TO SEVEN YEARS AGO.

5 THE COURT: OKAY. AND PATENTS HAVE
6 ISSUED? HOW MANY?

7 PROSPECTIVE JUROR: ONE HAS ISSUED AND
8 THE MOST RECENT ONE THAT'S GOING THROUGH RIGHT NOW
9 IS WITH REGARD TO SOME OF THE NEW FEATURES IN THE
10 LATEST ANDROID DEVELOPMENT.

11 THE COURT: THE OPERATING SYSTEM?

12 PROSPECTIVE JUROR: YEAH.

13 THE COURT: UM-HUM.

14 PROSPECTIVE JUROR: SO THAT ONE IS FAIRLY
15 RECENTLY, A FEW MONTHS. THE OTHER ONES ARE FAIRLY
16 OLD.

17 THE COURT: OKAY. ALL RIGHT. LET ME ASK
18 IF YOU WOULD -- OBVIOUSLY YOU KEEP YOUR LIFE
19 EXPERIENCE AND YOUR COMMON SENSE AND ALL THE OTHER
20 THINGS THAT YOU BRING HERE.

21 BUT WOULD YOU BE ABLE TO DECIDE THIS CASE
22 BASED SOLELY ON THE EVIDENCE THAT'S ADMITTED DURING
23 THE TRIAL AND NOT ON PREVIOUS TECHNOLOGICAL PATENT
24 EXPERIENCE THAT YOU HAVE?

25 PROSPECTIVE JUROR: YES.

1 THE COURT: OKAY. LET ME ASK MS. HALIM,
2 HOW LONG AGO WAS YOUR PATENT FOR SILICON GRAPHICS
3 AND HOW LONG WAS YOUR PATENT FOR -- DID YOU SAY
4 WAYNE TECH?

5 PROSPECTIVE JUROR: WEITEK, YES.

6 THE COURT: WEITEK, HOW IS THAT SPELLED?

7 PROSPECTIVE JUROR: W-E-I-T-E-K.

8 THE COURT: OKAY. THANK YOU. HOW LONG
9 AGO WERE THOSE TWO PATENTS?

10 PROSPECTIVE JUROR: FOR WEITEK, IT WAS IN
11 THE LATE '90S -- LATE '80S.

12 THE COURT: OKAY.

13 PROSPECTIVE JUROR: AND FOR SILICON
14 GRAPHICS, IT'S MID-1990S.

15 THE COURT: OKAY. AND DO YOU HAVE ANY
16 PATENT APPLICATIONS PENDING NOW?

17 PROSPECTIVE JUROR: NO.

18 THE COURT: NO. OKAY. ALL RIGHT.

19 LET'S GO TO MR. HOGAN. YOU HAD SOME?

20 PROSPECTIVE JUROR: EXCUSE ME. IN 2002,
21 I FILED FOR A PATENT IN VIDEO COMPRESSION SOFTWARE,
22 AND IN 2008, THE PATENT WAS ISSUED TO ME.

23 AND IN 2008 I FILED A FOLLOW-ON PATENT IN
24 MORE DETAIL AND THAT IS CURRENTLY PENDING.

25 THE COURT: I SEE. OKAY. ALL RIGHT.

1 THANK YOU.

2 ALL RIGHT. NEXT QUESTION IS, HAVE YOU
3 EVER CREATED OR DEVELOPED SOMETHING AND YOU BELIEVE
4 YOU HAD THE IDEA TAKEN FROM YOU? IF YOU WOULD
5 ANSWER YES TO THAT QUESTION, WOULD YOU PLEASE RAISE
6 YOUR HAND?

7 THE RECORD SHOULD REFLECT THAT NO HANDS
8 HAVE BEEN RAISED.

9 AH, ALL RIGHT. LET'S GO TO -- LET'S GO
10 TO MR. TEPMAN. GO AHEAD, PLEASE.

11 PROSPECTIVE JUROR: I BELIEVE THIS ONE IS
12 PATENTS.

13 THE COURT: CAN YOU USE THE MICROPHONE,
14 PLEASE? THANK YOU.

15 PROSPECTIVE JUROR: THE PREVIOUS ONE, THE
16 PATENTS, I HAVE 125 PATENTS.

17 THE COURT: YOU HAVE 125 PATENTS?

18 PROSPECTIVE JUROR: YES.

19 THE COURT: IN WHAT FIELD?

20 PROSPECTIVE JUROR: PHYSICS,
21 SEMICONDUCTOR MANUFACTURING, ROBOTICS.

22 THE COURT: AND THESE ARE ALL ISSUED
23 PATENTS; CORRECT?

24 PROSPECTIVE JUROR: IT'S ALL ISSUED. AND
25 PENDING, PROBABLY THREE.

1 THE COURT: YOU HAVE THREE PENDING?

2 PROSPECTIVE JUROR: ABOUT.

3 THE COURT: ROUGHLY WHEN WERE THESE 125
4 PATENTS ISSUED?

5 PROSPECTIVE JUROR: I STARTED EARLY '90S
6 AND UNTIL RECENTLY.

7 THE COURT: AND FOR WHOM DID YOU -- DID
8 YOU ASSIGN YOUR RIGHTS TO THESE PATENTS?

9 PROSPECTIVE JUROR: IT'S ALL ASSIGNED
10 TO -- IT'S ALL APPLIED MATERIALS.

11 THE COURT: OH, APPLIED MATERIALS, OKAY.
12 ALL RIGHT.

13 NOW, SAME FOR MR. TEPMAN, AS WELL AS TO
14 MR. HOGAN. YOU ALL HAVE A LOT OF EXPERIENCE, BUT
15 WILL YOU BE ABLE TO DECIDE THIS CASE BASED SOLELY
16 ON THE EVIDENCE THAT'S ADMITTED DURING THE TRIAL?

17 PROSPECTIVE JUROR: YES.

18 THE COURT: OKAY. MR. HOGAN SAYS YES.

19 WHAT ABOUT MR. TEPMAN?

20 PROSPECTIVE JUROR: I THINK SO, TOO.

21 THE COURT: OKAY. ALL RIGHT. THANK YOU.

22 NOW, WAS ANYONE ELSE GOING TO ANSWER YES
23 TO THE QUESTION OF HAVE YOU EVER HAD AN IDEA TAKEN
24 FROM YOU?

25 THE RECORD SHOULD REFLECT NO HANDS HAVE

1 BEEN RAISED.

2 NOW, THE NEXT QUESTION, HAVE YOU EVER
3 BEEN ACCUSED OF TAKING AN IDEA FROM SOMEONE ELSE?
4 WOULD YOU PLEASE RAISE YOUR HAND?

5 ALL RIGHT. LET'S GO TO MR. HOGAN.

6 WOULD YOU PLEASE PASS THE MICROPHONE,
7 MR. TEPMAN? THANK YOU.

8 PROSPECTIVE JUROR: AS I HAD STATED
9 EARLIER, THAT WAS -- IN 2008, THAT WAS THE
10 ACCUSATION AGAINST ME BEFORE THE PATENT WAS ISSUED.

11 BUT AS I SAID, THAT CASE ULTIMATELY WAS
12 DROPPED IN MY FAVOR.

13 THE COURT: NOW, WHEN THE PROGRAMMER SUED
14 YOU, WAS THAT PROGRAMMER ALSO A CO-INVENTOR ON THE
15 PATENT?

16 PROSPECTIVE JUROR: NO.

17 THE COURT: NO. I SEE.

18 PROSPECTIVE JUROR: THE PATENT WAS ISSUED
19 TOTALLY -- EXCLUSIVELY IN MY NAME.

20 THE COURT: I SEE.

21 PROSPECTIVE JUROR: AND I HAD FILED FOR
22 THAT PATENT PRIOR TO HIS JOINING THE EFFORT TO WORK
23 FOR IT. THAT WAS PART OF MY DOCUMENTATION SHOWING
24 THAT IT WAS MINE.

25 THE COURT: OKAY. ALL RIGHT.

1 LET ME ASK, IF YOU HAVE STRONG FEELINGS
2 OR STRONG OPINIONS ABOUT EITHER THE UNITED STATES
3 PATENT SYSTEM OR INTELLECTUAL PROPERTY LAWS, WOULD
4 YOU RAISE YOUR HAND, PLEASE?

5 THE RECORD SHOULD REFLECT THAT NO HANDS
6 HAVE BEEN RAISED.

7 LET'S JUST -- I WANT TO GO DOWN THE LINE
8 AND JUST ASK YOU IF YOU USE ANY OF THE FOLLOWING
9 AND HOW OFTEN YOU USE THEM, OKAY?

10 SO -- I'LL JUST GIVE YOU A LIST: THAT
11 YOU EITHER DO INTERNET SEARCHING; YOU MAINTAIN YOUR
12 OWN BLOG OR YOU LIKE TO BLOG A LOT; YOU MAINTAIN A
13 TWITTER ACCOUNT, A FACEBOOK ACCOUNT.

14 LET ME GO STRAIGHT DOWN THE LINE, PLEASE.

15 PROSPECTIVE JUROR: I USE THE INTERNET A
16 LOT.

17 I DON'T HAVE A BLOG.

18 THE COURT: OKAY. WHAT ABOUT DO YOU
19 TWEET? DO YOU FACEBOOK? MYSPACE OR ANYTHING?

20 PROSPECTIVE JUROR: NO.

21 THE COURT: OKAY. WHAT ABOUT
22 MR. OKAMOTO?

23 PROSPECTIVE JUROR: SO I GOOGLE A LOT.

24 I DON'T HAVE A BLOG. I HAVE A TWITTER
25 ACCOUNT, BUT I NEVER REALLY POST TO IT OR READ IT.

1 MY GOOGLE PLUS, A LITTLE BIT MORE THAN
2 TWITTER, BUT NOT TOO OFTEN.

3 NO FACEBOOK ACCOUNT.

4 AND THAT'S ABOUT IT.

5 THE COURT: I'M SORRY. I DIDN'T
6 UNDERSTAND THE LAST PART.

7 PROSPECTIVE JUROR: THAT'S ABOUT IT.

8 THE COURT: OKAY. THANK YOU.

9 MR. HOGAN?

10 PROSPECTIVE JUROR: SO I USE THE INTERNET
11 A LOT. I, OF COURSE, GOOGLE A LOT.

12 I DON'T HAVE A FACEBOOK ACCOUNT OF MY OWN
13 OR A TWITTER ACCOUNT, JUST STRICTLY E-MAIL.

14 THE COURT: DO YOU BLOG?

15 PROSPECTIVE JUROR: NO.

16 THE COURT: ALL RIGHT. THANK YOU.

17 LET'S GO TO MR. BELLA.

18 PROSPECTIVE JUROR: GOOGLE A LOT.

19 NO FACEBOOK, TWITTER, TWEETING, WHATEVER.

20 THE COURT: AND NO BLOGGING?

21 PROSPECTIVE JUROR: NO BLOGGING.

22 THE COURT: LET'S GO TO MS. ROUGIERI.

23 PROSPECTIVE JUROR: I DON'T GOOGLE A LOT.

24 I HAVE A FACEBOOK THAT I JUST OPENED IT.

25 AND THAT'S ABOUT IT.

1 THE COURT: THAT'S ABOUT IT. OKAY.

2 MS. FLAVIN?

3 PROSPECTIVE JUROR: I GOOGLE A LOT ALSO.

4 I DON'T HAVE A FACEBOOK, MYSPACE,

5 TWITTER. I DON'T BLOG.

6 THE COURT: OKAY. THANK YOU.

7 LET'S GO TO MS. LEROSE.

8 PROSPECTIVE JUROR: I USE THE INTERNET

9 AND GOOGLE, AND I DON'T ENJOY FACEBOOK OR BLOGGING

10 OR TWEETING OR ANY OF THAT, WHATEVER IT IS.

11 THE COURT: WHAT WAS THE LAST THING YOU

12 SAID?

13 PROSPECTIVE JUROR: WHATEVER THEY ARE, I

14 DON'T INTERACT WITH THOSE THINGS.

15 THE COURT: ALL RIGHT.

16 MR. REYES?

17 PROSPECTIVE JUROR: I DO INTERNET

18 SEARCHING.

19 I DO HAVE A FACEBOOK ACCOUNT. I RARELY,

20 RARELY USE IT. BUT I DON'T BLOG OR TWEET OR

21 ANYTHING LIKE THAT.

22 THAT'S ABOUT IT.

23 THE COURT: OKAY. THANK YOU.

24 LET'S GO TO MS. FRIESEN.

25 PROSPECTIVE JUROR: I USE THE INTERNET

1 AND GOOGLE PRETTY MUCH ON A DAILY BASIS, AND I DO
2 HAVE A FACEBOOK THAT I MIGHT CHECK ONCE A DAY.

3 OTHER THAN THAT, THAT'S PRETTY MUCH IT.

4 THE COURT: OKAY. THANK YOU.

5 MR. CATHERWOOD?

6 PROSPECTIVE JUROR: I USE THE INTERNET
7 SEARCH ENGINES, PRETTY MUCH ALL OF THEM.

8 AND NO FACEBOOK OR BLOG OR TWEETING.

9 THE COURT: ALL RIGHT. THANK YOU.

10 MR. ROGERS?

11 PROSPECTIVE JUROR: I THINK I HAVE AN
12 ACCOUNT FOR MOST SOCIAL PLATFORMS, BUT LATELY I
13 TYPICALLY USE THE INTERNET SOLELY FOR YOUTUBE,
14 CHECKING MY E-MAIL, AND CHECKING THE FORUMS FOR A
15 SPECIFIC GAME I PLAY LATELY. THAT'S ABOUT IT
16 LATELY.

17 THE COURT: OKAY. THANK YOU.

18 MR. TEPMAN?

19 PROSPECTIVE JUROR: I GOOGLE, OF COURSE,
20 FOR LOOKING FOR STUFF. I HAVE SOME DORMANT
21 FACEBOOK ACCOUNT WHICH I NEVER APPLY TO, NEVER USE.

22 AND I HAVE LINKEDIN ACCOUNT WHICH I NEVER
23 USE AND I DON'T TWEET OR BLOG OR ANYTHING LIKE
24 THAT.

25 THE COURT: ALL RIGHT. THANK YOU.

1 MS. MATHUR?

2 PROSPECTIVE JUROR: I USE INTERNET AND
3 E-MAIL FOR EVERY DAY USE.

4 AND I HAVE A FACEBOOK ACCOUNT THAT I JUST
5 CHECK MAYBE ONCE IN A WHILE, BUT I DON'T DO
6 ANYTHING MUCH ON THERE.

7 THE COURT: ALL RIGHT. THANK YOU.

8 MR. ILAGAN?

9 PROSPECTIVE JUROR: YES. I YAHOO A LOT,
10 AND I HAVE A FACEBOOK ACCOUNT AND A LINKEDIN
11 ACCOUNT.

12 THE COURT: ALL RIGHT. THANK YOU.

13 LET'S GO TO MR. DUNN.

14 PROSPECTIVE JUROR: SO I USE -- I DO
15 REGULAR INTERNET SEARCHES.

16 I HAVE A FACEBOOK ACCOUNT WHICH I USE
17 OCCASIONALLY, BUT NO BLOG, LINKEDIN, OR TWITTER
18 ACCOUNTS.

19 THE COURT: ALL RIGHT. THANK YOU.

20 MS. HOLLOWAY.

21 PROSPECTIVE JUROR: INTERNET, E-MAIL,
22 LINKEDIN, FACEBOOK, TWITTER.

23 THE COURT: OKAY.

24 PROSPECTIVE JUROR: NO BLOG.

25 THE COURT: YOU SAID NO BLOG?

1 PROSPECTIVE JUROR: NO BLOG.

2 THE COURT: THANK YOU.

3 MR. KRETZMANN?

4 PROSPECTIVE JUROR: YES. I USE THE
5 INTERNET DAILY, SEARCHING.

6 NO BLOG AND NO SOCIAL MEDIA ACCOUNTS.

7 THE COURT: ALL RIGHT. THANK YOU.

8 MR. FLADELAND?

9 PROSPECTIVE JUROR: I USE THE INTERNET,
10 GOOGLE FOR E-MAIL.

11 I HAVE A FACEBOOK ACCOUNT, BUT NOTHING
12 ELSE.

13 THE COURT: ALL RIGHT. THANK YOU.

14 MR. SINA?

15 PROSPECTIVE JUROR: GENERAL USE OF THE
16 INTERNET, SEARCH ENGINES, E-MAIL.

17 BUT NONE OF THE REST.

18 THE COURT: ALL RIGHT. THANK YOU.

19 MS. DOMINGO?

20 PROSPECTIVE JUROR: I USE THE INTERNET
21 DAILY.

22 I DO HAVE A FACEBOOK ACCOUNT. I DO NOT
23 BLOG OR HAVE TWITTER.

24 THE COURT: ALL RIGHT. THANK YOU.

25 LET'S GO TO MR. THORPE, IF YOU WOULD HAND

1 THE MICROPHONE, PLEASE, DOWN TO THE END. THANK
2 YOU.

3 PROSPECTIVE JUROR: I SEARCH THE INTERNET
4 OCCASIONALLY, GOOGLE OCCASIONALLY.

5 I DON'T BLOG, TWEET, OR I DO NOT HAVE A
6 FACEBOOK ACCOUNT.

7 THE COURT: ALL RIGHT. THANK YOU.

8 LET ME GO TO MR. CHIU.

9 PROSPECTIVE JUROR: I USE THE INTERNET A
10 LOT FOR SEARCHING.

11 I DO NOT HAVE A FACEBOOK OR TWITTER AND
12 NO BLOG.

13 THE COURT: ALL RIGHT. THANK YOU.

14 MS. HUMPHRY?

15 PROSPECTIVE JUROR: I USE THE INTERNET
16 FOR SEARCHING.

17 I DON'T HAVE A FACEBOOK, TWITTER, OR
18 BLOG.

19 THE COURT: ALL RIGHT. THANK YOU.

20 MS. JARO?

21 PROSPECTIVE JUROR: I USE THE INTERNET
22 FOR SEARCHING USING DIFFERENT TYPES OF SEARCH
23 ENGINES, BUT I DON'T HAVE FACEBOOK NOR A TWITTER
24 ACCOUNT.

25 THE COURT: ALL RIGHT. THANK YOU.

1 SO THE NEXT QUESTIONS ARE GOING TO BE
2 ABOUT SPECIFIC AREAS. RAISE YOUR HAND, PLEASE,
3 IF YOU HAVE ANY SPECIAL TRAINING, EDUCATION, OR
4 WORK EXPERIENCE -- AND THIS IS YOU OR YOUR
5 FAMILY -- IN LAW, LAW FIRMS, COURT SYSTEM.

6 AND IF YOU'VE ALREADY MENTIONED THE
7 LITIGATION OF WHICH YOU'VE BEEN A PARTY, YOU DON'T
8 HAVE TO RAISE IT AGAIN.

9 BUT ANYONE HERE HAVE ANY SPECIAL
10 TRAINING, EDUCATION, WORK EXPERIENCE IN LAW, LAW
11 FIRMS OR COURT SYSTEMS? RAISE YOUR HAND, PLEASE.

12 ALL RIGHT. MR. KRETZMANN.

13 WOULD YOU PLEASE HAND THE MICROPHONE TO
14 MR. KRETZMANN AND THEN WE'LL HAND IT TO MR. SINA.

15 PROSPECTIVE JUROR: YES. I WAS -- I'M A
16 RETIRED MILITARY OFFICER, AND SO I HAD SPECIAL
17 TRAINING IN A FORM OF CODE OF MILITARY JUSTICE AND
18 HAD TO DO INVESTIGATIONS OCCASIONALLY IN THE NAVY.

19 THE COURT: ALL RIGHT. BUT DID YOU
20 ACTUALLY DO ANY REPRESENTATION OF ACCUSED
21 INDIVIDUALS OR ANY ACTUAL LITIGATION, OR YOU WERE
22 DOING THE INVESTIGATION THAT MIGHT HAVE LED UP TO A
23 PROSECUTION? OR -- WHAT WAS YOUR ROLE?

24 PROSPECTIVE JUROR: NO. I'VE DONE A
25 COUPLE JAG MANUAL INVESTIGATIONS.

1 THE COURT: WHAT DOES THAT MEAN, THAT YOU
2 DID A JAG MANUAL INVESTIGATION?

3 PROSPECTIVE JUROR: IT'S BASICALLY AN
4 INVESTIGATION INTO AN INCIDENT OR A SAFETY ISSUE TO
5 DETERMINE CAUSES.

6 THE COURT: OKAY. BUT YOU WERE NOT IN
7 THE JAG YOURSELF?

8 PROSPECTIVE JUROR: I WAS NOT.

9 THE COURT: OKAY. SO YOU WERE MORE
10 SUPPORTING A JAG OFFICER BY DOING THE
11 INVESTIGATION --

12 PROSPECTIVE JUROR: YES.

13 THE COURT: -- INTO WHETHER A CHARGE
14 SHOULD BE BROUGHT?

15 PROSPECTIVE JUROR: YES.

16 THE COURT: OKAY. NOW, YOU UNDERSTAND
17 THAT THE STANDARDS OF PROOF MAY BE DIFFERENT IN
18 THAT SITUATION, WHICH IS MORE CRIMINAL; CORRECT?

19 PROSPECTIVE JUROR: OF COURSE.

20 THE COURT: SO HERE IT'S MORE, YOU KNOW,
21 MORE PROBABLY TRUE THAN NOT OR A HIGHLY PROBABLE
22 STANDARD. IT'S NOT BEYOND A REASONABLE DOUBT,
23 WHICH IS THE CRIMINAL STANDARD.

24 PROSPECTIVE JUROR: I UNDERSTAND.

25 THE COURT: OKAY. ALL RIGHT. THANK YOU.

1 ANYONE ELSE WITH LEGAL TRAINING?

2 MR. SINA, YOU RAISED YOUR HAND. GO
3 AHEAD, PLEASE.

4 PROSPECTIVE JUROR: MY FATHER IS A
5 RETIRED POLICEMAN.

6 THE COURT: YOUR FATHER?

7 PROSPECTIVE JUROR: YES.

8 THE COURT: WHERE WAS THAT?

9 PROSPECTIVE JUROR: IN THE MIDDLE EAST,
10 IRAN.

11 THE COURT: ALL RIGHT. AND SAME WITH
12 YOU, MR. SINA. YOU UNDERSTAND THAT THE BURDENS OF
13 PROOF ARE DIFFERENT IN A CRIMINAL CASE AND THIS IS
14 A CIVIL CASE?

15 PROSPECTIVE JUROR: I DO.

16 THE COURT: OKAY. ALL RIGHT. ANYTHING
17 ABOUT THAT EXPERIENCE WHICH WOULD AFFECT YOUR
18 ABILITY ONE WAY OR THE OTHER TO BE FAIR AND
19 IMPARTIAL IN THIS CIVIL CASE?

20 PROSPECTIVE JUROR: I DON'T BELIEVE SO.

21 THE COURT: OKAY. THANK YOU. ALL RIGHT.

22 WE'VE ALREADY TOUCHED UPON THIS, BUT EVEN
23 IF YOU HAVE NOT YOURSELF APPLIED FOR A PATENT, A
24 COPYRIGHT OR A TRADEMARK, DO YOU YOURSELF HAVE ANY
25 SPECIAL TRAINING OR EDUCATION OR WORK EXPERIENCE IN

1 PATENTS, COPYRIGHTS, TRADEMARKS, TRADE DRESSES? IF
2 SO, WOULD YOU PLEASE RAISE YOUR HAND?

3 THE RECORD SHOULD REFLECT NO HANDS HAVE
4 BEEN RAISED.

5 DO YOU OR ANYONE IN YOUR FAMILY HAVE ANY
6 SPECIAL TRAINING, EDUCATION, OR WORK EXPERIENCE IN
7 CELL PHONE OR COMPUTER TABLET TECHNOLOGY,
8 MANUFACTURING, OR SALES?

9 IF SO, RAISE YOUR HAND.

10 MR. REYES AND MR. CATHERWOOD AND
11 MS. LEROSE. OKAY.

12 CAN YOU PLEASE PASS THE MICROPHONE TO
13 MS. LEROSE?

14 GO AHEAD, PLEASE.

15 PROSPECTIVE JUROR: MY YOUNGEST SON JESSE
16 IS SELLING PC'S, I'M NOT SURE WITH WHAT COMPANY,
17 AND THAT'S SOMETHING RECENTLY HAS JUST TAKEN ON.

18 THE COURT: ALL RIGHT. DO YOU KNOW IF
19 HE -- IS HE DOING IT AT THE RETAIL LEVEL?

20 PROSPECTIVE JUROR: RETAIL. RETAIL.

21 THE COURT: I SEE. ALL RIGHT. IS THAT
22 AROUND HERE?

23 PROSPECTIVE JUROR: IN SANTA CRUZ.

24 THE COURT: SANTA CRUZ, ALL RIGHT. WOULD
25 HE HAVE ANY FINANCIAL INTEREST IN THE OUTCOME OF

1 THIS CASE?

2 PROSPECTIVE JUROR: NO, NOT THAT I'M
3 AWARE OF. I DON'T THINK SO.

4 THE COURT: OKAY. ALL RIGHT.

5 LET ME ASK MR. REYES, YOU RAISE YOUR
6 HAND, RIGHT?

7 PROSPECTIVE JUROR: YES, MA'AM. YEAH, MY
8 WIFE WORKS FOR SALINAS VALLEY PRISON. SHE'S AN
9 I.T. PERSON THAT WORKS ON COMPUTERS AND PHONE
10 HARDWARE, I GUESS.

11 THE COURT: UM-HUM. ALL RIGHT. NOW, I'M
12 GOING TO ASK BOTH MS. LEROSE AND MR. REYES THAT,
13 DURING THE COURSE OF THIS TRIAL, YOU DON'T GO
14 AND -- YOU CAN'T TALK TO ANYBODY ABOUT THIS CASE,
15 ESPECIALLY YOU CAN'T GO AND ASK QUESTIONS ABOUT HOW
16 DOES THIS TECHNOLOGY ACTUALLY WORK? CAN YOU DO
17 THAT?

18 PROSPECTIVE JUROR: SURE.

19 THE COURT: YOU'LL RESIST ASKING,
20 MR. REYES?

21 PROSPECTIVE JUROR: YES.

22 THE COURT: ALL RIGHT. LET ME GO TO
23 MR. CATHERWOOD. YOU RAISED YOUR HAND?

24 PROSPECTIVE JUROR: I WORKED FOR AT&T IN
25 NETWORK OPERATION, PROJECT MANAGEMENT, AND SOME OF

1 OUR PROJECTS INVOLVED CELL PHONE TECHNOLOGY AND
2 TOWER INFRASTRUCTURE, BUT NOTHING SPECIFIC TO ANY
3 MANUFACTURERS.

4 THE COURT: YOU MAY HAVE SOME SPECIALIZED
5 KNOWLEDGE ABOUT SOME TECHNOLOGY THAT'S GOING TO BE
6 IN THIS CASE. WOULD YOU DECIDE THIS CASE BASED ON
7 THE EVIDENCE THAT'S ADMITTED DURING THIS TRIAL
8 EXCLUSIVELY?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: ALL RIGHT. THANK YOU.

11 DO YOU OR ANYONE CLOSE TO YOU HAVE ANY
12 SPECIAL TRAINING, EDUCATION, WORK EXPERIENCE IN
13 ACCOUNTING?

14 THE RECORD SHOULD REFLECT THAT NO HANDS
15 HAVE BEEN RAISED.

16 WHAT ABOUT CONTRACTS?

17 THE RECORD SHOULD REFLECT -- AH, OKAY.
18 WE'VE GOT TWO PEOPLE.

19 LET'S GO TO MS. MATHUR AND THEN
20 MS. HOLLOWAY.

21 PROSPECTIVE JUROR: I'M IN H.R., SO I
22 LOOK AT THE EMPLOYMENT CONTRACTS.

23 THE COURT: UM-HUM.

24 PROSPECTIVE JUROR: A LITTLE BIT OF
25 ACCOUNTING. NOT MUCH. THAT'S IT.

1 THE COURT: AND TELL ME A LITTLE BIT
2 ABOUT YOUR ACCOUNTING EXPERIENCE.

3 PROSPECTIVE JUROR: I DON'T DO ACCOUNTING
4 MYSELF. I JUST REPORT THE NUMBERS TO THEM.

5 THE COURT: AND WHAT ARE -- LIKE WHAT
6 KINDS OF CATEGORIES OF NUMBERS?

7 PROSPECTIVE JUROR: EMPLOYEE BENEFITS.

8 THE COURT: I SEE.

9 PROSPECTIVE JUROR: AND PAYROLL.

10 THE COURT: OKAY. ALL RIGHT. SO -- AND
11 YOU'VE HAD QUITE A BIT OF EXPERIENCE LOOKING AT
12 PROFIT AND LOSS STATEMENTS?

13 PROSPECTIVE JUROR: NO, I DON'T GET TO
14 LOOK AT THOSE.

15 THE COURT: OKAY. ALL RIGHT. THANK YOU.

16 LET'S GO TO MS. HOLLOWAY.

17 PROSPECTIVE JUROR: IN MY FIELD OF SUPPLY
18 CHAIN, I'VE BEEN A PURCHASING MANAGER AND SO I LOOK
19 AT SUPPLIER CONTRACTS, I NEGOTIATE CONTRACTS,
20 DANGEROUS GOODS, CHEMICALS, COMPRESSED GASES,
21 SERVICE AGREEMENTS, LEASING.

22 THE COURT: ALL RIGHT. BUT YOU WOULD
23 STILL BE ABLE TO DECIDE THIS CASE BASED ON THE
24 EVIDENCE THAT'S ADMITTED DURING THE TRIAL?

25 PROSPECTIVE JUROR: ABSOLUTELY.

1 THE COURT: ALL RIGHT. THANK YOU.

2 WHO IS AT ALL INVOLVED, EITHER THROUGH
3 EDUCATION, WORK, OR TRAINING, IN RESEARCH AND
4 DEVELOPMENT? I THINK THAT'S GOING TO TAKE UP A LOT
5 OF PEOPLE.

6 MR. HOGAN -- MR. OKAMOTO, YOU'RE NOT
7 RAISING YOUR HAND.

8 PROSPECTIVE JUROR: FOR SOFTWARE, YEAH.

9 THE COURT: SO WE TALKED ABOUT THAT.
10 ANYONE ELSE WE HAVEN'T TALKED ABOUT?
11 MR. HOGAN, WE SORT OF TALKED ABOUT YOUR
12 R&D.

13 MS. HALIM, WE TALKED ABOUT YOURS.

14 ANYONE ELSE ON THE FRONT ROW THAT WE
15 HAVEN'T TALKED ABOUT YOUR R&D WORK?

16 WHAT ABOUT ON THE SECOND ROW? WHO'S GOT
17 R&D EXPERIENCE THAT THEY HAVEN'T DISCUSSED SO FAR?

18 MR. CATHERWOOD.

19 PROSPECTIVE JUROR: NOT A GREAT DEAL.
20 MOST -- I'VE GOT TWO PROJECTS WORKING WITH AT&T
21 LABS WITH THE TEAM.

22 THE COURT: AND ARE THEY ON NETWORK
23 OPERATIONS OR WHAT'S THE SORT OF FIELD?

24 PROSPECTIVE JUROR: YEAH, NETWORK
25 OPERATIONS SUPPORT.

1 THE COURT: ALL RIGHT. THANK YOU.

2 WHAT ABOUT IN -- OH, MS. HALIM. DO YOU
3 WANT TO --

4 PROSPECTIVE JUROR: YEAH, I'M SORRY.
5 IT'S THE PREVIOUS QUESTION ABOUT READING CONTRACTS.
6 I DO READ CONTRACTS, YEAH, IN MY CURRENT JOB.

7 THE COURT: IN YOUR CURRENT JOB YOU READ
8 CONTRACTS?

9 PROSPECTIVE JUROR: YEAH, UM-HUM.

10 THE COURT: AND, WHAT, ARE THESE SUPPLY
11 CHAIN OR CONSULTING OR WHAT KIND OF CONTRACTS?

12 PROSPECTIVE JUROR: CUSTOMER, CONTRACT
13 WITH CUSTOMERS.

14 THE COURT: OKAY.

15 PROSPECTIVE JUROR: OR SUPPLY, SUPPLIERS.

16 THE COURT: OKAY. SO THESE ARE, LIKE,
17 ORIGINAL EQUIPMENT MANUFACTURER CUSTOMERS? THESE
18 ARE NOT RETAIL --

19 PROSPECTIVE JUROR: NO.

20 THE COURT: -- PRIVATE CONSUMERS? THESE
21 ARE OEM CONTRACTS?

22 PROSPECTIVE JUROR: YES.

23 THE COURT: ALL RIGHT. AND YOU DO
24 SUPPLIER CONTRACTS AS WELL. OKAY. ALL RIGHT.
25 THANK YOU.

1 ANYONE ELSE ON THE FIRST ROW?

2 NO? ANYONE ON THE SECOND ROW, OTHER THAN
3 MR. CATHERWOOD? NO?

4 OKAY. LET'S GO TO MR. TEPMAN.

5 PROSPECTIVE JUROR: MAY I BE EXCUSED TO
6 GO TO THE REST ROOM?

7 THE COURT: OH, YES. DOES ANYONE ELSE
8 NEED TO GO TO THE REST ROOM? SHOULD WE TAKE A
9 FIVE-MINUTE BREAK?

10 THERE ACTUALLY IS -- DO YOU NEED TO USE
11 THE REST ROOM AS WELL?

12 ALL RIGHT. WHY DON'T WE TAKE A
13 FIVE-MINUTE BREAK. IF IT'S JUST THE JURORS, YOU
14 CAN USE THE JURY ROOM IN HERE SO YOU DON'T HAVE TO
15 WAIT.

16 TAKE A FIVE-MINUTE BREAK AGAIN. SAME
17 INSTRUCTION. PLEASE DON'T DISCUSS THE CASE WITH
18 ANYONE, DON'T DO ANY OF YOUR OWN RESEARCH.

19 THANK YOU.

20 (WHEREUPON, A RECESS WAS TAKEN.)

21 THE COURT: ALL RIGHT. LET'S START BACK,
22 PLEASE.

23 ANYONE IN ROWS 3 THROUGH 6 WHO HAS BEEN
24 INVOLVED IN RESEARCH AND DEVELOPMENT AND HASN'T HAD
25 A CHANCE TO TALK ABOUT IT YET?

1 OKAY. LET'S GO TO MR. TEPMAN AND THEN
2 MR. KRETZMANN.

3 GO AHEAD, PLEASE.

4 PROSPECTIVE JUROR: MOSTLY THE
5 SEMICONDUCTOR.

6 THE COURT: WOULD YOU USE THE MICROPHONE,
7 PLEASE? THANK YOU.

8 PROSPECTIVE JUROR: IT'S MOSTLY -- MOST
9 OF THE R&D WORK IS IN THE SEMICONDUCTOR
10 MANUFACTURING.

11 THE COURT: ALL RIGHT.

12 PROSPECTIVE JUROR: AND SOME PROCESSING
13 AS WELL.

14 THE COURT: ALL RIGHT. HAS THAT ALL BEEN
15 WITH APPLIED MATERIALS?

16 PROSPECTIVE JUROR: YEAH.

17 THE COURT: OKAY. ALL RIGHT. THANK YOU.

18 PROSPECTIVE JUROR: INTEL BEFORE.

19 THE COURT: I'M SORRY?

20 PROSPECTIVE JUROR: AND BEFORE THAT, IT
21 WAS INTEL.

22 THE COURT: OKAY. THANK YOU.

23 I BELIEVE, MR. KRETZMANN, YOU RAISED YOUR
24 HAND AS WELL.

25 PROSPECTIVE JUROR: I RAISED MY HAND.

1 THE COURT: I'M SORRY, MR. ROGERS.

2 PROSPECTIVE JUROR: I JUST REMEMBERED
3 THAT, LIKE, A COUPLE WEEKS AGO I WAS SELECTED TO DO
4 TESTING FOR A DEVELOPER, A LOCAL DEVELOPER.

5 I'M NOT SURE HOW MUCH I CAN SAY. I
6 SIGNED A CONFIDENTIALITY AGREEMENT SAYING I
7 WOULDN'T SAY ANYTHING ABOUT IT.

8 BUT TECHNICALLY I HELP THEM DO RESEARCH
9 AND DEVELOPMENT.

10 AND I'M NOT SURE IF THIS QUALIFIES, BUT
11 ABOUT A YEAR AGO, MY MOM TALKED TO HER WORK AND HAD
12 THEM HIRE ME FOR ABOUT TWO WEEKS. I DID QUALITY
13 OF -- IT WAS A NEW LUNCH BOX. THEY MAKE TRAVEL
14 EQUIPMENT AND TRAVEL STUFF AND IT WAS A NEW LUNCH
15 BOX, SO I WAS TESTING THE QUALITY OF THE PRODUCT,
16 SEEING HOW GOOD IT LOOKED BEFORE THEY SENT IT OFF
17 TO THEIR CUSTOMERS.

18 THE COURT: ALL RIGHT. THANK YOU.

19 I DON'T WANT YOU TO DISCLOSE ANYTHING
20 THAT YOU ARE NOT FREE TO, BUT DOES IT HAVE ANYTHING
21 TO DO WITH CELL PHONES, COMPUTER TABLETS, OR
22 COMPUTERS?

23 PROSPECTIVE JUROR: IT'S A VIDEO GAME.

24 THE COURT: VIDEO GAME, OKAY, THAT'S
25 FINE.

1 ALL RIGHT. THANK YOU.

2 ANYONE ELSE?

3 MR. KRETZMANN, I KNOW YOU HAD YOUR HAND
4 RAISED. GO AHEAD, PLEASE.

5 PROSPECTIVE JUROR: I WAS FORMERLY A
6 DIRECTOR OF A RESEARCH CENTER AT THE NAVAL
7 POST-GRADUATE SCHOOL.

8 THE COURT: AND WHAT WAS THE FIELD?

9 PROSPECTIVE JUROR: IT WAS THE CENTER FOR
10 RECONNAISSANCE RESEARCH, SO IT'S MOSTLY SATELLITE
11 SENSING AND COMMUNICATIONS.

12 THE COURT: AND WAS THAT RESEARCH ON THE
13 TECHNOLOGY SIDE OR MORE ON THE POLICY SIDE?

14 PROSPECTIVE JUROR: IT WAS BOTH
15 TECHNOLOGY AND APPLICATIONS, OPERATIONS.

16 THE COURT: OKAY. ALL RIGHT. THANK YOU.

17 ANYONE ELSE? OKAY. THE RECORD SHOULD
18 REFLECT THAT NO HANDS HAVE BEEN RAISED.

19 LET'S GO TO THE SHEET ON YOUR CHAIR.
20 IT'S CALLED JUROR BIOGRAPHICAL INFORMATION.

21 IF YOU WOULD PLEASE HAND THE MICROPHONE
22 BACK TO MS. HALIM AND WE'RE JUST GOING TO GO
23 STRAIGHT DOWN EVERY ROW, PLEASE. IF YOU WOULD
24 ANSWER THE QUESTIONS ON YOUR SHEET?

25 PROSPECTIVE JUROR: MY NAME IS SELFIA

1 HALIM. I WAS BORN IN INDONESIA. I LIVE IN
2 LOS GATOS.

3 I HAVE BACHELOR OF SCIENCE FROM UCLA IN
4 MATHEMATICS AND COMPUTER SCIENCE.

5 I'M CURRENTLY A CFO OF THE A COUPLE I.P.
6 COMPANIES. IT'S A START-UP, SO WE HAVE LESS THAN
7 20 EMPLOYEES.

8 FAVORITE HOBBY? I LIKE TO DO GARDENING
9 AND TRAVELLING.

10 I AM MARRIED AND LIVING WITH MY HUSBAND.

11 I HAVE WORKED AS ENGINEERS. MY PREVIOUS
12 EMPLOYERS ARE WEITEK, SILICON GRAPHICS, CISCO, AND
13 CURRENTLY OBIHAI.

14 I HAVE THREE CHILDREN, ALL MALES, AGES
15 23, 21, AND 18.

16 I NEVER HAD A JURY EXPERIENCE BEFORE.

17 THE COURT: WHAT WAS THE OCCUPATION OF --
18 AND EMPLOYER OF YOUR HUSBAND?

19 PROSPECTIVE JUROR: CURRENTLY?

20 THE COURT: YES.

21 PROSPECTIVE JUROR: WE WORK AT THE SAME
22 COMPANY.

23 THE COURT: OH, THE SAME START-UP?

24 PROSPECTIVE JUROR: YES.

25 THE COURT: OKAY. ALL RIGHT. AND WHAT

1 ABOUT PREVIOUSLY? WHAT WERE HIS EMPLOYERS?

2 PROSPECTIVE JUROR: CISCO SYSTEMS.

3 THE COURT: I SEE. OKAY. AND ARE ANY OF
4 YOUR CHILDREN CURRENTLY WORKING? ARE THEY
5 STUDENTS?

6 PROSPECTIVE JUROR: THEY ARE STUDENT.
7 ONE IS WORKING ON INTERNSHIP AT FACEBOOK.

8 THE COURT: OKAY.

9 PROSPECTIVE JUROR: YEAH.

10 THE COURT: AND THE OTHERS ARE STUDENTS?

11 PROSPECTIVE JUROR: YES.

12 THE COURT: OKAY. THANK YOU.

13 PROSPECTIVE JUROR: THANK YOU.

14 THE COURT: WOULD YOU PLEASE PASS THE
15 MICROPHONE TO MR. OKAMOTO PLEASE?

16 PROSPECTIVE JUROR: MY NAME IS STEVE
17 OKAMOTO. I WAS BORN IN LAGUNA BEACH, CALIFORNIA.
18 I CURRENTLY RESIDE IN SAN JOSE.

19 I HAVE A MASTER'S DEGREE IN INDUSTRIAL
20 PSYCHOLOGY FROM CAL STATE LONG BEACH. UNDERGRAD AT
21 U.C. IRVINE IN PSYCHOLOGY.

22 CURRENT JOB TITLE, I'M A DESIGNER FOR
23 GOOGLE. RESPONSIBILITIES INCLUDE DESIGNING
24 INTERFACES -- RESPONSIBILITIES INCLUDE DESIGNING
25 THE USER INTERFACE, RUNNING TESTS ON THOSE, AND

1 OFFICER, SO I GUESS SHE JUST REPRESENTS THE COUNTY
2 IN COURT.

3 THE COURT: AS A PROBATION OFFICER?

4 PROSPECTIVE JUROR: YEAH. WELL, I GUESS
5 SHE'S A COURT OFFICER, BUT SHE REPRESENTS THE
6 PROBATION DEPARTMENT.

7 THE COURT: RIGHT. OKAY. AND THAT'S FOR
8 SANTA CLARA COUNTY?

9 PROSPECTIVE JUROR: YES.

10 THE COURT: OKAY. ALL RIGHT. THANK YOU.
11 MR. HOGAN?

12 PROSPECTIVE JUROR: MY NAME -- EXCUSE ME,
13 MY NAME IS VELVIN HOGAN. I WAS BORN IN GREENVILLE,
14 TEXAS. I RESIDE IN SAN JOSE, CALIFORNIA.

15 I HAVE AN A.A. DEGREE FROM SAN JOSE CITY
16 COLLEGE AND I ATTENDED SAN JOSE STATE IN THE
17 ELECTRICAL ENGINEERING DEPARTMENT, THOUGH I DID NOT
18 GRADUATE.

19 I HAVE BEEN IN -- I WAS IN THE HARD DRIVE
20 INDUSTRY FOR 35-PLUS YEARS AS AN ELECTRICAL
21 ENGINEER. I WORKED FOR COMPANIES LIKE MEMOREX,
22 DIGITAL EQUIPMENT CORPORATION TO NAME A FEW, SEVEN
23 ALTOGETHER.

24 AND MY HOBBIES ARE WHAT I WAS DOING IN
25 THE REALM OF VIDEO COMPRESSION.

1 AND I AM MARRIED.

2 AND MY -- I HAVE TWO CHILDREN, A SON 43
3 AND A DAUGHTER 42.

4 MY DAUGHTER WORKS FOR THE COUNTY AND MY
5 SON WORKS IN PRIVATE INDUSTRY.

6 AND I HAVE BEEN A JUROR IN THE PAST ON
7 THREE DIFFERENT OCCASIONS, BUT THEY WERE ALL THREE
8 CIVIL CASES.

9 THE COURT: CAN YOU TELL US -- LET ME
10 BACK UP A SECOND. WHAT ABOUT YOUR SPOUSE? WHAT
11 DOES SHE DO OR DID SHE WORK OUTSIDE THE HOUSE?

12 PROSPECTIVE JUROR: SHE'S RETIRED
13 CURRENTLY, BUT BEFORE SHE RETIRED, SHE WORKED FOR
14 THE SAN JOSE UNIFIED SCHOOL DISTRICT. SHE WAS A
15 SPECIAL EDUCATION -- NOT A CREDENTIALLED TEACHER,
16 BUT A CERTIFIED ASSISTANT.

17 THE COURT: ALL RIGHT. AND CAN YOU TELL
18 US THE SEVEN COMPANIES YOU WORKED FOR? DIGITAL
19 EQUIPMENT, MEMOREX?

20 PROSPECTIVE JUROR: OKAY. TO BEGIN WITH,
21 I WORKED FOR A COMPANY THAT NO LONGER EXISTS CALLED
22 CAYLIS MEMORIES; THEN MEMOREX CORPORATION; THEN
23 STORAGE TECHNOLOGY CORPORATION IN COLORADO; DIGITAL
24 EQUIPMENT CORPORATION IN COLORADO SPRINGS; I WORKED
25 FOR SEAGATE TECHNOLOGY; AND THE LAST COMPANY WAS --

1 AND THEN MICROPOLIS CORPORATION, WHICH NO LONGER
2 EXISTS; AND QUANTUM.

3 THE COURT: ALL RIGHT. AND YOUR DAUGHTER
4 THAT WORKS FOR THE COUNTY, IS THAT IN ANY WAY FOR
5 THE COURT SYSTEM?

6 PROSPECTIVE JUROR: NO, NO. SHE IS A --
7 A DIRECTOR'S ASSISTANT. SHE WAS DOING WORK PRIOR
8 TO THE CENSUS FOR THE CENSUS, PUTTING EVERYTHING
9 TOGETHER TO GET THAT GOING.

10 AND CURRENTLY I'M NOT 100 PERCENT SURE
11 WHAT SHE'S DOING. SHE JUST RECENTLY TRANSFERRED TO
12 A NEW POSITION.

13 THE COURT: OKAY. AND YOUR SON WHO'S IN
14 PRIVATE INDUSTRY, IS THAT IN ANY WAY RELATED CELL
15 PHONES, COMPUTERS, TABLETS, NOTHING IN THE TECH
16 INDUSTRY?

17 PROSPECTIVE JUROR: NO. IT'S IN OPTICS,
18 BASICALLY, FIBER OPTICS.

19 THE COURT: ALL RIGHT. THANK YOU.

20 MR. BELLA?

21 PROSPECTIVE JUROR: MY NAME IS TERRY
22 BELLA. MY BIRTH PLACE IS PALO ALTO AND I'M A
23 RESIDENT OF MOUNTAIN VIEW.

24 MY EDUCATION BACKGROUND, A.A. DEGREE IN
25 AUTOMATIC TECHNOLOGY AND AN A.A. AGREE IN

1 ELECTRONICS, TECHNICIAN, COLLEGE OF SAN MATEO.

2 PAST JOBS, I WAS PART OWNER IN
3 COMMUNICATIONS RESEARCH FOR MANY YEARS, A TWO-WAY
4 RADIO COMPANY. AND I CURRENTLY WORK AT STANFORD
5 POLICE DEPARTMENT AS LOGISTICS.

6 HOBBIES, I LIKE TO DO REMODELS ON MY
7 HOUSE AND CAMPING AND WORK ON CARS AS HOBBIES.

8 I'M CURRENTLY MARRIED, 41 YEARS NEXT
9 WEEK.

10 THE COURT: CONGRATULATIONS.

11 PROSPECTIVE JUROR: THANK YOU.

12 AND MY WIFE WORKS CURRENTLY WITH TRADER
13 JOE'S IN PALO ALTO, AND DURING THE SCHOOL TIME
14 SHE'S AN ART TEACHER AT SPRINGER SCHOOL IN
15 LOS ALTOS.

16 I HAVE A SON WHO'S 25. HE'S MARRIED AND
17 THEY JUST MOVED BACK FROM MARYLAND AND THEY'RE
18 LIVING WITH US NOW UNTIL THEY CAN FIND A JOB, BOTH
19 OF THEM CAN FIND A JOB.

20 PAST JURY, I REMEMBER TWO JURY SERVICES I
21 DID. BOTH WERE GUILTY.

22 ONE HAD TO DO WITH DRUGS AND I DON'T
23 REMEMBER WHAT THE OTHER ONE WAS.

24 THE COURT: ALL RIGHT. BUT THEY WERE
25 BOTH CRIMINAL?

1 PROSPECTIVE JUROR: YES.

2 THE COURT: AND WERE THEY IN THIS COUNTY?

3 PROSPECTIVE JUROR: YES.

4 THE COURT: AND WERE THEY STATE COURT OR
5 FEDERAL COURT, IF YOU REMEMBER?

6 PROSPECTIVE JUROR: I DON'T KNOW.

7 THE COURT: THAT'S FINE. HOW LONG AGO
8 WERE THESE?

9 PROSPECTIVE JUROR: OH, JEEZ. PROBABLY
10 20-SOME YEARS AGO.

11 THE COURT: 20-SOME ODD YEARS AGO. OKAY.

12 AND YOU UNDERSTAND THAT THE STANDARD IN A
13 CRIMINAL CASE IS BEYOND A REASONABLE DOUBT, WHICH
14 IS HIGHER THAN THE STANDARDS THAT WOULD APPLY IN
15 THIS CASE?

16 PROSPECTIVE JUROR: YES.

17 THE COURT: ALL RIGHT. I FORGOT TO ASK
18 MR. HOGAN, THE THREE CIVIL LAWSUITS FOR WHICH YOU
19 WERE A JUROR, DO YOU REMEMBER WHAT THE CAUSES OF
20 ACTION WERE?

21 PROSPECTIVE JUROR: ONE OF THEM WAS AN
22 ACCIDENT THAT OCCURRED THAT WAS BACK IN 1973 AND
23 WE, THE JURY, DID NOT RULE IN FAVOR OF THE
24 DEFENDANT IN THAT CASE.

25 THE COURT: OH. AND I'M NOT ASKING

1 ANYONE TO REVEAL THE VERDICT. I JUST WANT TO KNOW
2 WHETHER YOU REACHED A VERDICT.

3 PERSONAL INJURY, CAR ACCIDENT?

4 PROSPECTIVE JUROR: ALL THREE WE REACHED
5 A VERDICT. THAT ONE WAS PERSONAL INJURY.

6 THE COURT: OKAY.

7 PROSPECTIVE JUROR: THE NEXT ONE WAS
8 SPOUSAL ABUSE, BUT NOT CRIMINAL, SO IT WAS DONE IN
9 SUPERIOR COURT.

10 THE COURT: OKAY.

11 PROSPECTIVE JUROR: THE OTHER ONE WAS A
12 LITTLE BIT OLDER AND RIGHT NOW I CAN'T REMEMBER THE
13 DETAILS. I REMEMBER WE REACHED A VERDICT.

14 THE COURT: DO YOU REMEMBER ROUGHLY, WHAT
15 WAS THE ONE TWO DECADES AGO?

16 PROSPECTIVE JUROR: WELL, ONE WAS IN '73;
17 ONE WAS IN THE MID '80S, '87, I THINK IT WAS; AND
18 THE OTHER ONE THAT WAS MORE RECENT WAS 1990.

19 THE COURT: SO YOU'RE DUE FOR ANOTHER
20 ONE.

21 PROSPECTIVE JUROR: YEAH.

22 THE COURT: OKAY. ALL RIGHT. OKAY.
23 THANK YOU.

24 LET'S GO TO MS. ROUGIERI.

25 PROSPECTIVE JUROR: MY NAME IS LUZVIMINDA

1 ROUGIERI. MY PLACE OF BIRTH IS PHILIPPINES, BUT I
2 GREW UP IN THE UNITED STATES. CITY OF RESIDENCE,
3 EVERGREEN IN SAN JOSE.

4 EDUCATIONAL BACKGROUND, I HAVE A
5 BACHELOR'S DEGREE IN FOREIGN LANGUAGE.

6 PAST AND CURRENT JOB, I HAVE NOT WORKED
7 FOR 23 YEARS. I'VE BEEN RAISING OUR SON.

8 I WORKED AT NATIONAL SEMICONDUCTOR AND
9 THAT WAS WHEN WE WERE LIVING IN -- I MOVED TO
10 MASSACHUSETTS AND CHANGED CAREER AND GET INTO
11 RETAIL.

12 FAVORITE HOBBY WOULD BE PAINTING,
13 COOKING, AND GARDENING.

14 I AM CURRENTLY MARRIED. IT'LL BE 25
15 YEARS BY NEXT MONTH.

16 THE COURT: CONGRATULATIONS.

17 PROSPECTIVE JUROR: CURRENT JOB, MY
18 HUSBAND, HE WORKED FOR APPLIED MATERIALS. HE
19 WORKED FOR K.L.A. HE WORKED FOR HARRIS, ETON, AND
20 NOW HE WORKS FOR A MEDICAL START-UP COMPANY WORKING
21 WITH -- TEAM UP WITH LAWRENCE LIVERMORE.

22 WE HAVE ONE CHILD WHO IS NOW IN COLLEGE,
23 A 21 YEAR OLD.

24 PRIOR JURY SERVICE, THIS IS THE FIRST
25 TIME, SO I'M OVERWHELMED AND A JURY, IT'S -- THIS

1 IS THE FIRST TIME.

2 THE COURT: OKAY. THANK YOU.

3 LET ME ASK, WITH YOUR RETAIL NOW, IS THAT
4 IN ANY WAY RELATED TO PHONES, TABLETS, COMPUTERS?

5 PROSPECTIVE JUROR: NO, IT HAD NOTHING TO
6 DO WITH THAT.

7 THE COURT: OKAY. ALL RIGHT. THANK YOU.
8 MS. FLAVIN?

9 PROSPECTIVE JUROR: MY NAME IS NICOLE
10 FLAVIN.

11 THE COURT: FLAVIN, EXCUSE ME.

12 PROSPECTIVE JUROR: IT'S ALL RIGHT.
13 PLACE OF BIRTH, LOS GATOS, CALIFORNIA. I CURRENTLY
14 LIVE IN SUNNYVALE.

15 EDUCATIONAL BACKGROUND, SOME COLLEGE.

16 I CURRENTLY WORK AT UPS. I'M A
17 SUPERVISOR. I'M RESPONSIBLE FOR PACKAGE PLANNING
18 AND DISPATCH.

19 I'M NOT MARRIED. I DON'T HAVE ANY
20 CHILDREN. AND I'VE NEVER SERVED ON A JURY BEFORE.

21 THE COURT: OKAY. THANK YOU.

22 MS. LEROSE, IF YOU WOULD PLEASE PASS THE
23 MICROPHONE OVER. THANK YOU.

24 PROSPECTIVE JUROR: MY NAME IS LYNN
25 LEROSE. PLACE OF BIRTH IS EASTON, PENNSYLVANIA. I

1 RESIDE IN RIO DEL MAR IN SANTA CRUZ COUNTY.

2 I HAVE MY MASTER'S IN EARLY CHILDHOOD
3 EDUCATION AND SPEECH PATHOLOGY -- MY MASTER'S IS
4 NOT IN SPEECH PATHOLOGY. IT'S A B.S. IN SPEECH
5 PATHOLOGY.

6 I'VE OWNED MY OWN BUSINESS, A NATIONALLY
7 ACCREDITED PRESCHOOL FOR 20 YEARS, CLOSED, WHICH I
8 HAVE ALREADY DISCLOSED, IN 2005.

9 AND PREVIOUS TO THAT, THEY WERE JUST
10 PART-TIME JOBS TO GET ME THROUGH SCHOOL TO GET TO
11 WHERE I WAS GOING, AND I CAN'T REMEMBER THOSE
12 LITTLE JOBS, BUT I HAVE BEEN GRATEFUL FOR THEM.

13 FAVORITE HOBBIES, I LOVE READING AND
14 GARDENING AND PLANTING MY -- THE RECREATIONAL
15 ACTIVITIES, PLANTING MY FEET ON ANY BEACH THAT I
16 CAN WALK ON FOR AT LEAST A COUPLE OF HOURS.

17 I AM MARRIED. MY PARTNER'S CURRENT
18 OCCUPATION IS IN INFORMATION TECHNOLOGY WITH
19 SANTA CLARA MEDICAL.

20 MY CHILDREN, I HAVE TWO, A 29 YEAR OLD
21 AND A 34 YEAR OLD. ONE IS IN RETAIL, COMPUTERS,
22 AND MY OTHER ONE OWNS HIS OWN CONSTRUCTION
23 BUSINESS.

24 AND NO, NO PRIOR SERVICE.

25 THE COURT: ALL RIGHT. THANK YOU.

1 MR. REYES?

2 PROSPECTIVE JUROR: MY NAME IS MANNY
3 REYES. I WAS BORN IN SAN MATEO, CALIFORNIA. I
4 RESIDE IN GILROY, CALIFORNIA.

5 MY EDUCATION WAS WILCOX HIGH SCHOOL.

6 MY FIELD OF WORK THAT I'VE ALWAYS BEEN IN
7 IS CONSTRUCTION. I DID DO RESTORATION ON CARS FOR
8 TEN YEARS. I WORK FOR THE CITY OF GILROY NOW.

9 MY FAVORITE HOBBIES ARE WORKING ON CARS
10 AND MOTORCYCLES, CAMPING.

11 THIS IS MY SECOND MARRIAGE. MY WIFE NOW,
12 SHE WORKS FOR SALINAS VALLEY CORRECTION PRISON.
13 SHE HAS THREE KIDS. I HAVE TWO, A BOY AND A GIRL.
14 SHE HAS TWO BOYS AND A GIRL. AGES OF MINE ARE 29
15 AND 32. HERS ARE 21, 26, AND 29.

16 I NEVER HAVE BEEN ON A JURY BEFORE.

17 THE COURT: ALL RIGHT. AND WHAT ABOUT
18 YOUR TWO KIDS? ARE THEY CURRENTLY WORKING?

19 PROSPECTIVE JUROR: YES. MY SON IS,
20 LIKE, PART-TIME FOR A SCHOOL IN GILROY, ELEMENTARY
21 SCHOOL.

22 THE COURT: OKAY.

23 PROSPECTIVE JUROR: AND MY DAUGHTER, SHE
24 WORKS IN A CONVALESCENT HOSPITAL IN SACRAMENTO.

25 THE COURT: OKAY. WHAT ABOUT THE THREE

1 STEP-CHILDREN?

2 PROSPECTIVE JUROR: THE YOUNGEST ONE, 21,
3 HE WORKS IN RETAIL.

4 THE COURT: UM-HUM.

5 PROSPECTIVE JUROR: HER DAUGHTER WORKS
6 FOR THE CITY OF CAMPBELL, AND HER SON IS GOING TO
7 SCHOOL IN SAN FRANCISCO.

8 THE COURT: OKAY. THANK YOU.

9 ALL RIGHT. MS. FRIESEN?

10 PROSPECTIVE JUROR: MY NAME IS MARY
11 FRIESEN. I WAS BORN IN MEXICO. I LIVE IN SALINAS.

12 I HAVE A HIGH SCHOOL EDUCATION. I DO
13 HAVE A STATE OF CALIFORNIA INSURANCE LICENSE. I'VE
14 BEEN AN INSURANCE AGENT FOR ABOUT 22 YEARS. I DID
15 FINANCE, RETAIL FINANCE BEFORE THAT.

16 MY HOBBIES ARE READING, SPENDING TIME
17 WITH MY FAMILY.

18 I AM MARRIED. MY HUSBAND CURRENTLY WORKS
19 FOR PG&E AS A GAS SERVICE REP AND HE'S A RETIRED
20 CORRECTIONAL OFFICER.

21 MY DAUGHTER IS 17 AND MY SON IS 14 AND
22 THEY'RE BOTH STUDENTS.

23 AND I HAVE NOT BEEN ON A JURY BEFORE.

24 THE COURT: OKAY. THANK YOU.

25

1 PROSPECTIVE JUROR: I'M PETER CATHERWOOD.
2 I WAS BORN IN FERNANDINA BEACH, FLORIDA. I LIVE IN
3 SAN JOSE.

4 I HAVE AN M.B.A. AND BACHELOR'S OF
5 SCIENCE DEGREES. I CURRENTLY WORK FOR AT&T IN
6 PROJECT MANAGEMENT. I ALSO WORKED FOR SBC. AND
7 THEN I WAS WITH THE U.S. NAVY IN AVIONICS
8 TECHNOLOGY.

9 I'M CURRENTLY MARRIED. MY WIFE WORKS FOR
10 LOCKHEED MARTIN AND SHE'S A SOFTWARE ENGINEER.

11 WE HAVE NO CHILDREN.

12 MY PRIOR JURY SERVICE WAS CIVIL MORE THAN
13 30 YEARS AGO, AND THERE WAS A VERDICT.

14 THE COURT: ALL RIGHT. AND DO YOU RECALL
15 WHAT TYPE OF CASE IT WAS?

16 PROSPECTIVE JUROR: IT WAS A CONTRACT
17 DISPUTE.

18 THE COURT: OKAY. THANK YOU.

19 PROSPECTIVE JUROR: MY NAME IS
20 CHRISTOPHER ROGERS. I WAS BORN IN SAN JOSE AND
21 CURRENTLY LIVE IN SAN JOSE.

22 I GRADUATED HIGH SCHOOL AND HAVE ONE
23 SEMESTER IN COMMUNITY COLLEGE.

24 I'M CURRENTLY UNEMPLOYED. THE LAST TIME
25 I WORKED WAS FOR ABOUT TWO WEEKS AT MY MOM'S WORK.

1 I WOULD SAY MY TOP HOBBY IS PROBABLY
2 VIDEO GAMES. I ALSO DON'T MIND DRAWING OR MESSING
3 AROUND WITH THE INTERNET AND STUFF.

4 I'M NOT CURRENTLY IN ANY SERIOUS
5 RELATIONSHIP, I DON'T HAVE ANY CHILDREN, AND THIS
6 IS THE FIRST TIME I'VE BEEN ON A JURY.

7 THE COURT: ALL RIGHT. THANK YOU.

8 MR. TEPMAN?

9 PROSPECTIVE JUROR: IT'S AVI TEPMAN.
10 PLACE OF BIRTH IS ISRAEL. CITY OF RESIDENCE IS
11 CUPERTINO.

12 EDUCATION, B.S.M.E. EDUCATION
13 BACKGROUND, B.S.M.E. AND CURRENT JOB IS AT APPLIED
14 MATERIALS, V-P OF ENGINEERING. AND PREVIOUSLY
15 ENGINEERING MANAGER AT INTEL.

16 HOBBY IS MY JOB.

17 (LAUGHTER.)

18 PROSPECTIVE JUROR: I'M MARRIED WITH
19 THREE CHILDREN. AND OH, MY WIFE, WHAT IS -- OH, MY
20 SPOUSE, I GUESS. SHE IS AN R.N., BUT SHE'S A
21 HOMEMAKER FOR THE LAST 20 YEARS.

22 AND MY CHILDREN ARE 35, 32, AND 28. AND
23 THE 35 IS A GIRL, 30 AND 28 IS BOYS.

24 SHE'S -- MY DAUGHTER IS COACHING THE
25 YOUNG PEOPLE FOR THE CONFIDENCE. MY OTHER SON

1 IS -- MY SON IS IN REAL ESTATE, AND MY THIRD KID IS
2 AN ECONOMIST AT GOOGLE.

3 AND I NEVER SERVED ON A JURY SERVICE.

4 THE COURT: THANK YOU.

5 MS. MATHUR?

6 PROSPECTIVE JUROR: MY NAME IS AARTI
7 MATHUR. I WAS BORN IN INDIA AND I LIVE IN SAN JOSE
8 RIGHT NOW.

9 I HAVE A MASTER'S IN BUSINESS MANAGEMENT
10 AND TWO CERTIFICATE COURSES FROM THE U.C.
11 SANTA CRUZ EXTENSION IN HUMAN RESOURCES AND PROJECT
12 MANAGEMENT.

13 I HAVE WORKED WITH I.T. START-UPS IN THE
14 PAST AS A BENEFITS/PAYROLL ADMINISTRATOR.

15 I LIKE TO TRAVEL AND COOKING AND
16 GARDENING.

17 I AM MARRIED AND LIVE WITH MY HUSBAND.
18 HE IS A -- HE'S IN PRODUCT MANAGEMENT WITH CITRIX
19 SYSTEMS.

20 WE HAVE NO CHILDREN.

21 AND I HAVE NOT SERVED ON A JURY BEFORE.
22 THIS IS THE FIRST TIME.

23 THE COURT: THANK YOU.

24 PROSPECTIVE JUROR: MY NAME IS MANUEL
25 ILAGAN AND I WAS BORN IN THE PHILIPPINES. I'M A

1 RESIDENT OF SAN JOSE, CURRENTLY.

2 I HAVE A BACHELOR'S DEGREE IN MECHANICAL
3 ENGINEERING. AND I'VE WORKED FOR WESTERN
4 ELECTRONIC AS A SYSTEMS ENGINEER, AND ALSO AN
5 APPLICATIONS ENGINEER FOR STANFORD TELECOM. I WAS
6 IN SALES AND MARKETING FOR INTEL AND I'M CURRENTLY
7 WORKING FOR SYMTECH.

8 MY FAVORITE HOBBY IS READING.

9 I'M CURRENTLY MARRIED AND MY WIFE WORKS
10 FOR -- AS A TEMP FOR ACCU -- ACCU TEMPS.

11 AND SHE'S WORKING FOR VOCERA
12 COMMUNICATIONS RIGHT NOW AS A TEMPORARY WORKER.

13 SHE PREVIOUSLY WORKED FOR THE CITY OF
14 SAN JOSE AND FOR VTA.

15 WE HAVE TWO CHILDREN. THE GIRL IS 20
16 YEARS OLD, SHE'S STUDYING AT SANTA CLARA U; AND MY
17 SON IS 26 AND HE'S A SWIMMING INSTRUCTOR AT
18 SANTA CLARA INTERNATIONAL SWIM CENTER.

19 AND I HAVE NOT -- I HAVE NO EXPERIENCE IN
20 JURY DUTY.

21 THE COURT: ALL RIGHT. THANK YOU.

22 MR. DUNN?

23 PROSPECTIVE JUROR: MY NAME IS DAVID
24 DUNN. I WAS BORN IN SAN JOSE. I CURRENTLY LIVE IN
25 MORGAN HILL.

1 I HAVE A BACHELOR'S OF ARTS IN BUSINESS.
2 I CURRENTLY WORK AS A STORE OPERATIONS MANAGER FOR
3 A CYCLING RETAIL SHOP.

4 FAVORITE HOBBY IS PRETTY MUCH RELATED TO
5 MY JOB, CYCLING, AS WELL AS SWIMMING AND OTHER
6 OUTDOOR ACTIVITIES.

7 I'M NOT CURRENTLY MARRIED, NOR DO I HAVE
8 ANY CHILDREN, NOR HAVE I SERVED AS A JUROR.

9 THE COURT: OKAY. THANK YOU.

10 MS. HOLLOWAY?

11 PROSPECTIVE JUROR: DENISE HOLLOWAY, BORN
12 IN SAN FRANCISCO, LIVE IN CUPERTINO.

13 SOME COMMUNITY COLLEGE, BUT PURSUING MY
14 B.A. DEGREE AT GOLDEN GATE UNIVERSITY.

15 PAST EMPLOYERS HAVE BEEN MBI, THERMO
16 FISHER, AFFYMETRIX, INTEL, AND SODEXO.

17 FAVORITE HOBBY, INDOOR SPINNING AND
18 WEIGHT LIFTING.

19 MY DOMESTIC PARTNER, WHO STILL PUTS UP
20 WITH ME, WORKS AT INTEL. SHE IS THE EXECUTIVE
21 ADMIN PARTNER TO THE V-P OF MARKETING.

22 AND WE HAVE TWO SONS, AGE 25 WHO WORKS AT
23 COSTCO, AND 22 WHO WORKS AT WELLS FARGO BANK AND
24 ATTENDS SAN FRANCISCO STATE.

25 THE COURT: ANY JURY SERVICE PREVIOUSLY?

1 PROSPECTIVE JUROR: NO, NO JURY SERVICE.

2 THE COURT: ALL RIGHT. THANK YOU.

3 MR. KRETZMANN.

4 PROSPECTIVE JUROR: MY NAME IS DAVID
5 KRETZMANN. I WAS BORN IN ROCHESTER, MINNESOTA. I
6 CURRENTLY LIVE IN ROYAL OAKS IN NORTHERN MONTEREY
7 COUNTY.

8 I HAVE A MASTER'S IN COMPUTER SYSTEMS
9 MANAGEMENT. I SERVED FOR 28 YEARS IN THE U.S. NAVY
10 IN THE FIELD OF CRYPTOLOGY. I RETIRED AS A
11 COMMANDER IN 2000 AND THEN WORKED FOR A FEW YEARS
12 AT THE NAVAL POST-GRADUATE SCHOOL. MY ACTUAL
13 EMPLOYER DURING THAT TIME WAS AEROSPACE
14 CORPORATION.

15 HOBBIES OR RECREATION, I ENJOY CAMPING
16 AND TENNIS.

17 I AM MARRIED. MY WIFE IS RETIRED FROM
18 THE DEPARTMENT OF SERVICE, CIVIL SERVICE.

19 WE HAVE FOUR CHILDREN, A DAUGHTER AGE 43,
20 COORDINATE SPECIAL EVENTS AT THE MONTEREY BAY
21 AQUARIUM; DAUGHTER AGE 41 IS A PHYSICAL THERAPIST;
22 SON AGE 40 IS A REGISTERED NURSE; AND SON AGE 39 IS
23 A RACE CAR DRIVER, STUNT CAR DRIVER, AND TELEVISION
24 HOST.

25 I'VE NEVER SERVED ON A JURY BEFORE.

1 THE COURT: ALL RIGHT. THANK YOU.

2 LET'S GO TO MR. FLADELAND.

3 PROSPECTIVE JUROR: MAY NAME IS MARK
4 FLADELAND. BORN IN BURBANK, CALIFORNIA. CURRENTLY
5 LIVE IN SAN JOSE.

6 I HAVE A MASTER'S DEGREE IN SOCIAL WORK
7 FROM SAN JOSE CITY UNIVERSITY. I CURRENTLY WORK
8 FOR THE COUNTY OF SANTA CLARA IN CHILD PROTECTIVE
9 SERVICES.

10 I SING AND PLAY GUITAR IN TWO BANDS.

11 I AM MARRIED. NO CHILDREN. SHE WORKS AS
12 A HOSPICE SOCIAL WORKER FOR PATHWAYS.

13 AND I'VE BEEN CALLED FOR JURY DUTY
14 SEVERAL TIMES, BUT I'VE YET TO SERVE.

15 THE COURT: ALL RIGHT. THANK YOU.

16 MR. SINA?

17 PROSPECTIVE JUROR: MY NAME IS AMIR SAYAH
18 SINA. I WAS BORN IN IRAN AND I LIVE IN SAN JOSE.

19 I HAVE AN ASSOCIATE DEGREE IN GENERAL
20 STUDIES, PHYSICAL SCIENCES. AND WHEN I GRADUATED A
21 COUPLE OF YEARS AGO, I COULDN'T FIND WORK, SO I'M
22 DELIVERING PIZZA.

23 AND MY FAVORITE HOBBY IS GERMAN CARS AND
24 LIBERTARIAN POLITICS.

25 AND I'M NOT MARRIED. I'M SINGLE. NO

1 KIDS.

2 AND I WAS SUMMONED TO JURY SERVICE LAST
3 YEAR AND I WAS DISMISSED FIRST PERSON. SO THEY
4 DIDN'T NEED ME FOR SOME REASON.

5 THE COURT: ALL RIGHT. THANK YOU.

6 CAN WE PLEASE GO TO MS. DOMINGO?

7 PROSPECTIVE JUROR: MY NAME IS JENNIFER
8 DOMINGO. I WAS BORN IN MOUNTAIN VIEW. I LIVE IN
9 SAN JOSE.

10 I HAVE A BACHELOR'S IN MICROBIOLOGY. I
11 CURRENTLY WORK AS A DOCUMENT CONTROL SPECIALIST AT
12 AFFYMETRIX. MY PREVIOUS EMPLOYERS INCLUDE ALTA
13 CORPORATION, HOME TECH LABORATORIES, AND AMERICAN
14 BIO SCIENCES.

15 I LIKE TO READ.

16 I AM MARRIED. MY SPOUSE WORKS FOR AT&T,
17 AND PRIOR TO THAT, HE WAS IN THE UNITED STATES
18 MARINE CORPS.

19 I HAVE TWO CHILDREN, BOTH DAUGHTERS. THE
20 OLDER ONE IS NINE, THE YOUNGER ONE IS TWO.

21 AND I HAVE SERVED ON A CRIMINAL JURY IN
22 2000 AND A VERDICT WAS REACHED.

23 THE COURT: FOR YOUR DOCUMENT CONTROL
24 SPECIALIST WORK, DO YOU DEAL WITH LITIGATION?

25 PROSPECTIVE JUROR: NO.

1 THE COURT: OKAY. ALL RIGHT. THANK YOU.
2 LET'S GO TO MR. THORPE, PLEASE.

3 PROSPECTIVE JUROR: MY NAME IS HARVEY
4 THORPE. I WAS BORN IN WATSONVILLE, CALIFORNIA, AND
5 I STILL RESIDE THERE.

6 I HAVE A HIGH SCHOOL EDUCATION. I WORK
7 IN CONSTRUCTION, CARPENTER, ALL MY LIFE. I WAS A
8 SUPERINTENDENT IN MY LAST POSITION.

9 MY FAVORITE HOBBY -- OH, I WORKED FOR A
10 COUPLE OF BIG CONTRACTORS IN SANTA CRUZ COUNTY.

11 MY FAVORITE HOBBY IS GOLF.

12 I AM MARRIED. AND SHE STAYED HOME AND
13 TOOK CARE OF THE KIDS AND THE HOME WHILE I WORKED.
14 AND I DO HAVE TWO CHILDREN. I HAVE A SON, 43,
15 WHO'S A GENERAL CONTRACTOR; AND A DAUGHTER THAT'S
16 41 WHO WORKS FOR AN ELECTRICAL CONTRACTOR.

17 AND I DID SERVE ON A JURY APPROXIMATELY
18 20 YEARS AGO. IT WAS A CRIMINAL CASE IN SANTA CRUZ
19 COUNTY, AND WE DID REACH A VERDICT.

20 THE COURT: ALL RIGHT. THANK YOU.

21 LET'S GO TO MR. CHIU?

22 PROSPECTIVE JUROR: YEAH. MY NAME IS
23 KWOKFU CHEW. I WAS BORN IN HONG KONG AND NOW I
24 LIVE IN SAN JOSE. I HAVE MASTER'S IN EE.

25 THE COURT: ELECTRICAL ENGINEERING.

1 PROSPECTIVE JUROR: I WORK FOR
2 SEMICONDUCTOR COMPANIES, FAIRCHILD SEMICONDUCTORS
3 AND THEN CYPEX AND FOR THE LAST 20 YEARS, ALMOST 30
4 YEARS IS NATIONAL SEMICONDUCTORS, WHICH WAS
5 ACQUIRED LAST YEAR BY TEXAS INSTRUMENTS. AND I WAS
6 RESPONSIBLE FOR THE ANALOG CIRCUIT DESIGN AS A
7 PRINCIPAL DESIGNER.

8 I LIKE TO TAKE PHOTOS, PHOTO TAKING.

9 AND I'M MARRIED. MY WIFE IS WORKING FOR
10 CITY LIBRARY.

11 WE HAVE TWO CHILDREN. MY SON IS 24 YEARS
12 OLD AND WORKING FOR SOFTWARE COMPANY; AND MY
13 DAUGHTER IS 22, JUST GRADUATED AND LOOKING FOR A
14 JOB.

15 I HAD JURY DUTY ABOUT 30 YEARS AGO IN
16 HONG KONG, WHICH WAS A CRIMINAL CASE.

17 THE COURT: OKAY. THANK YOU.

18 WHICH COMPANY IS YOUR SON DOING SOFTWARE
19 DEVELOPMENT FOR?

20 PROSPECTIVE JUROR: ALENCIA. ALENCIA.

21 THE COURT: OKAY. THANK YOU.

22 LET'S GO TO MS. HUMPHRY.

23 PROSPECTIVE JUROR: I'M SHERRY HUMPHRY.

24 I WAS BORN -- SHERRY HUMPHRY. BORN IN SOUTHERN
25 CALIFORNIA. LIVE IN SUNNYVALE.

1 AND SOME COLLEGE CLASSES. AND I WORKED
2 AS CUSTOMER SERVICE. I'M AN ASSISTANT AT INTERSIL,
3 AMERICAN WAYS, MERVYNS, ROBIN PRODUCTS, SEE'S.

4 AND I'M NOT MARRIED. I DON'T HAVE ANY
5 CHILDREN.

6 I LIKE TO HIKE.

7 AND I'VE NEVER BEEN ON JURY DUTY BEFORE.

8 THE COURT: OKAY. THANK YOU.

9 MS. JARO?

10 PROSPECTIVE JUROR: MY NAME IS ANASTACIA
11 JARO. I WAS BORN IN THE PHILIPPINES. I LIVE IN
12 MILPITAS.

13 I HAVE A DEGREE IN CHEMISTRY. RIGHT NOW
14 I'M A TECHNICIAN AT THERMO FISHER SCIENTIFIC. AND
15 MY PREVIOUS EMPLOYERS ARE SELECTRON CORPORATION,
16 V.A. SYSTEMS.

17 MY FAVORITE HOBBIES ARE COOKING, PLAYING
18 COMPUTER GAMES, WATCHING TV'S.

19 I'M A SINGLE MOM WITH ONE CHILD WHO IS 19
20 YEARS OLD AND CURRENTLY A STUDENT AT SAN JOSE STATE
21 UNIVERSITY.

22 THE COURT: HAVE YOU PREVIOUSLY SERVED ON
23 A JURY?

24 PROSPECTIVE JUROR: NO.

25 THE COURT: OKAY. ALL RIGHT. THANK YOU.

1 ALL RIGHT. I'M GOING TO GIVE THE
2 ATTORNEYS NOW TIME TO ASK YOU QUESTIONS. THEY HAVE
3 20 MINUTES, BUT IT'S UP TO THEM IF THEY WANT TO USE
4 THEIR FULL 20 MINUTES.

5 OKAY. SO THE TIME IS NOW 2:41. GO
6 AHEAD.

7 MR. LEE: MAY I PROCEED, YOUR HONOR?

8 THE COURT: PLEASE.

9 MR. LEE: LADIES AND GENTLEMEN, AS I
10 MENTIONED EARLIER THIS MORNING, MY NAME IS BILL LEE
11 AND I'M ONE OF THE LAWYERS REPRESENTING APPLE.

12 I'M JUST GOING TO ASK A FEW MORE
13 QUESTIONS. HER HONOR HAS ASKED YOU A TON OF
14 QUESTIONS ALREADY AND WE'VE GOT A LOT OF
15 INFORMATION.

16 I'M NOT GOING TO ASK QUESTIONS OF ALL OF
17 YOU. THERE'S JUST A FEW THINGS I WOULD LIKE TO
18 FOLLOW UP ON.

19 AS HER HONOR SAID, WE DON'T MEAN TO PRY
20 PERSONALLY. IF THERE IS SOMETHING THAT WE ASK THAT
21 YOU WOULD LIKE TO DISCUSS IN PRIVATE, IF YOU WOULD
22 LET HER HONOR KNOW, WE'LL BE HAPPY TO DO IT.

23 AND I WILL BE BRIEF AND LESS THAN MY 20
24 MINUTES.

25 MY NOTES MAY BE WRONG, BUT I TAKE IT

1 MR. HOGAN, MR. BELLA, MR. CATHERWOOD, MR. SINA,
2 MR. THORPE, MR. CHIU HAVE ALL BEEN ON JURIES AT
3 SOME POINT IN TIME. WAS THERE ANYBODY WHO I
4 MISSED? YOU ALSO HAVE BEEN ON A JURY?

5 IS -- WERE ANY OF YOU THE FOREPERSON OF
6 THE JURY ON ANY OF THESE JURY DELIBERATIONS?

7 PROSPECTIVE JUROR: NO.

8 PROSPECTIVE JUROR: NO.

9 MR. LEE: MR. KRETZMANN, YOU TALKED ABOUT
10 YOUR WORK WITH THE CODE OF MILITARY JUSTICE AND THE
11 JAG MANUAL. COULD YOU JUST TELL ME A LITTLE BIT
12 ABOUT THAT?

13 PROSPECTIVE JUROR: I WAS AN EXECUTIVE
14 OFFICER AT THE NAVAL AIR STATION AT SKAGGS ISLAND
15 ON THE NORTH SIDE OF SAN FRANCISCO AND HAD TO
16 INVESTIGATE MISCONDUCT AND THINGS LIKE THAT.

17 MR. LEE: AND THE CODE OF MILITARY
18 JUSTICE WAS A SET OF RULES?

19 PROSPECTIVE JUROR: IT APPLIES TO SAILERS
20 AND OTHER MILITARY RESIDENTS. I HAD A WEEK'S
21 TRAINING AT TREASURE ISLAND IN THAT.

22 MR. LEE: FAIR ENOUGH.

23 AND MR. CATHERWOOD, I THINK YOU WERE IN
24 THE NAVY AS WELL.

25 PROSPECTIVE JUROR: YES.

1 INTEL TODAY?

2 PROSPECTIVE JUROR: YES.

3 MR. LEE: MS. LEROSE, I THINK YOU TOLD US
4 THAT YOU HAD RUN A NATIONALLY ACCREDITED DAY CARE
5 CENTER FOR A NUMBER OF YEARS.

6 THE CLERK: EXCUSE ME, MR. LEE. CAN WE
7 PASS THE MICROPHONE BACK?

8 MR. LEE: I'M SORRY. I'LL TRY TO DO IT
9 IN A WAY THAT MAKES THE MICROPHONE A LITTLE CLOSER.

10 PROSPECTIVE JUROR: YES.

11 MR. LEE: I'LL START AGAIN.

12 MS. LEROSE, I THINK YOU MENTIONED THAT
13 YOU HAD A NATIONALLY ACCREDITED DAY CARE CENTER.
14 WHAT WAS THE PROCESS OF THE ACCREDITATION?

15 PROSPECTIVE JUROR: OH. IT WAS -- IT WAS
16 HEART RENDERING AND GRUELING. THERE ARE A SET OF
17 STANDARDS THAT ARE PRODUCED NATIONALLY FOR RUNNING
18 A PRESCHOOL WITH SEVEN DIFFERENT AREAS THAT ARE
19 SCRUTINIZED AND BROUGHT IN BY NATIONALLY ACCREDITED
20 PEOPLE IN THAT FIELD TO COME IN, ONE, TO SET UP THE
21 PROGRAM FOR YOU; AND THEN TO PROCEED WITH YOUR
22 CLIENTELE AND THE PRESENT PRESCHOOL CHILDREN IN ALL
23 THOSE AREAS EXPLAINING AND DOCUMENTING AND
24 EXPLORING, YOU KNOW, WHAT I NEEDED TO DO TO ATTAIN
25 A CERTAIN LEVEL OF THAT ACCREDITATION.

1 MR. LEE: AND YOU HAD TO SATISFY EACH OF
2 THOSE LEVELS?

3 PROSPECTIVE JUROR: OH, YEAH.

4 MR. LEE: THANK YOU.

5 PROSPECTIVE JUROR: IN FACT, THAT'S A
6 GOOD THING.

7 MR. LEE: THANKS.

8 MR. TEPMAN, LET ME ASK JUST A COUPLE
9 QUESTIONS. I THINK YOU SAID YOU HAD 150 PATENTS.

10 PROSPECTIVE JUROR: 125.

11 MR. LEE: 125. I JUST GAVE YOU 25 MORE.

12 WERE THOSE INTEL AND APPLIED MATERIALS?

13 PROSPECTIVE JUROR: NO.

14 MR. LEE: ALL APPLIED MATERIAL?

15 PROSPECTIVE JUROR: ALL APPLIED
16 MATERIALS, YES.

17 MR. LEE: AND HAS ANYONE EVER BROUGHT A
18 LAWSUIT BASED UPON ONE OF YOUR PATENTS?

19 PROSPECTIVE JUROR: THERE WAS A LAWSUIT.
20 IT WAS A WEIRD THING. SO ACTUALLY IT WAS \$535
21 MILLION LAWSUIT WHICH END UP IN \$7 MILLION.

22 MR. LEE: AND IT WAS ON ONE OF YOUR
23 PATENTS?

24 PROSPECTIVE JUROR: NO. IT WAS --
25 THEY -- CAN I MENTION NAME OF COMPANIES?

1 MR. LEE: I THINK -- WITH YOUR HONOR'S
2 PERMISSION, YES.

3 PROSPECTIVE JUROR: CAN I -- HE ASKED ME
4 ABOUT THE PATENTS, THAT WAS SUING THE PATENTS, SO
5 I'M ASKING, CAN I SAY WHAT COMPANY IT WAS?

6 THE COURT: I DON'T KNOW WHAT YOUR -- IF
7 THERE WAS A SETTLEMENT WHAT THE TERMS OF THAT
8 SETTLEMENT ARE AS TO CONFIDENTIALITY, SO I REALLY
9 CAN'T ADVISE YOU PROPERLY ON THAT.

10 MR. LEE: LET'S --

11 PROSPECTIVE JUROR: ANYWAY, SO IT WAS --
12 IT'S LIKE THEY -- THE THING WAS THAT THEY HAD THE
13 PATENT THAT THEY CANNOT DO SOMETHING UNLESS YOU
14 MAKE FLAT EROSION, AND WE MADE NO FLAT EROSION
15 BECAUSE I THINK THAT WON'T DO THE JOB.

16 I HAVE HUNDREDS OF -- WE HAD HUNDRED
17 PERCENT MARKET HERE TODAY, BY THE WAY, ON THAT, AND
18 THEY HAVE ZERO.

19 BUT THEN THE PATENT ONLY FLAT EROSION
20 WILL WORK, AND I THINK THAT -- I THOUGHT THAT FLAT
21 EROSION WON'T WORK, NEED TO BE CONICAL EROSION, NOT
22 FLAT.

23 AND THEN MY DESIGN WAS -- MY PATENT WAS
24 CONICAL EROSION.

25 AND -- BUT THEY GOT A PATENT THAT IF YOU

1 CAN ACHIEVE THIS, YOU MUST HAVE FLAT EROSION, WHICH
2 IT'S A WEIRD PATENT.

3 AND EVENTUALLY THEY -- AS I SAID, THE
4 VERDICT -- IT WAS OUT OF COURT, TOOK LAWYER FEES OR
5 SOMETHING, THEY STILL GOT \$7 MILLION OUT OF \$535
6 MILLION LAWSUIT.

7 MR. LEE: FAIR ENOUGH. THAT'S PLENTY OF
8 INFORMATION WITHOUT REVEALING THE PARTIES.

9 I THINK YOU SAID YOUR SON IS -- ONE OF
10 YOUR THREE CHILDREN IS A SON WHO'S AN ECONOMIST AT
11 GOOGLE.

12 PROSPECTIVE JUROR: YES.

13 MR. LEE: AND HOW LONG HAS HE BEEN THERE
14 AND WHAT DOES HE DO?

15 PROSPECTIVE JUROR: HE'S BEEN THERE ONE
16 HALF YEAR AND ACTUALLY DOING CUSTOMER SATISFACTION.

17 MR. LEE: LET ME ASK ALL OF YOU IF YOU
18 RECOGNIZE ANY OF THESE NAMES: BJORN BRINGER;
19 CARY CLARK, DIANNE HACKBORN; JIM MILLER;
20 KEN WAKAJA.

21 WHICH ONE OF THEM DO YOU KNOW?

22 PROSPECTIVE JUROR: SO I GUESS
23 DIANNE JACKBORN.

24 MR. LEE: AND HOW DO YOU KNOW HER?

25 PROSPECTIVE JUROR: WELL, I BELIEVE SHE'S

1 AT GOOGLE AND SHE'S WORKING ON THE ANDROID SYSTEM.
2 SO SOMETIMES I WOULD SEE SOME E-MAILS COMING
3 THROUGH HER REGARDING SOME ANDROID STUFF.

4 MR. LEE: AND HAVE YOU WORKED WITH HER?

5 PROSPECTIVE JUROR: NO, I HAVE NOT. I
6 HAVE JUST SEEN HER NAME.

7 MR. LEE: AND YOU'VE SEEN HER NAME ON
8 E-MAILS THAT COME BY YOU AT GOOGLE?

9 PROSPECTIVE JUROR: YES.

10 MR. LEE: MR. OKAMOTO, LET ME ASK YOU A
11 COUPLE QUESTIONS. CAN YOU JUST TELL ME -- LET ME
12 GET THE MICROPHONE TO YOU FIRST.

13 ALL SET?

14 PROSPECTIVE JUROR: YES.

15 MR. LEE: COULD YOU JUST TELL ME A LITTLE
16 BIT MORE ABOUT WHAT YOU HAVE DONE AND WHAT YOUR
17 PATENT APPLICATIONS ARE ON THE OPERATING SYSTEM
18 THAT YOU MENTIONED EARLIER?

19 PROSPECTIVE JUROR: OKAY. SO WHEN I
20 STARTED AT GOOGLE, I WORKED ON GOOGLE VIDEO, AND IT
21 WAS IT WAS PRE-YOUTUBE KIND OF PURCHASE, SO WE DID
22 SOME U/I LAYOUTS THAT WERE -- U/I LAYOUTS AND ALSO
23 VIDEO PLAYER FUNCTIONALITY THAT WE PATENTED.

24 SO THAT'S THE EXTENT OF THOSE PATENTS FOR
25 AROUND THE VIDEO PLAYER AND WITH THE U/I LAYOUT.

1 I'VE SINCE WORKED ON GOOGLE AD WORDS,
2 GOOGLE BUILDING, GOOGLE PLUS. I WORKED ON GOOGLE
3 MOBILE MAPS.

4 BUT THOSE ARE THE MAIN PROJECTS THAT I'VE
5 WORKED ON. THERE'S, OF COURSE, SOME SMALLER
6 PROJECTS THAT KIND OF COME THROUGH WHEN YOU WORK ON
7 SOMETHING AND DELIVER A U/I SPEC FOR THAT, BUT THAT
8 WAS PRETTY INSIGNIFICANT COMPARED TO THE BIGGER
9 PROJECT.

10 AND WITH REGARD TO THE PATENTS, I CAN'T
11 REMEMBER THE DETAILS OF ALL OF THEM. SOME OF THEM
12 ARE QUITE LONG AGO.

13 BUT THE ONE THAT ACTUALLY WAS PATENTED
14 WAS THE VIDEO U/I TOOL WHICH I MENTIONED.

15 THE OTHER ONES WERE CONDENSING SPACE.
16 THE MOST RECENT ONE HAS TO DO WITH SOME OF THE
17 TECHNOLOGY IN GOOGLE NOW. I DON'T KNOW IF YOU'VE
18 SEEN THAT, IT'S THE JELLY BEAN. BUT I GOT MY NAME
19 ON A PATENT WITH A TEAM.

20 MR. LEE: AND HAS ANYONE EVER BROUGHT A
21 LAWSUIT BASED UPON ANY OF YOUR PATENTS?

22 PROSPECTIVE JUROR: NOT TO MY KNOWLEDGE.

23 MR. LEE: JUST A FEW MORE QUESTIONS.

24 MR. ROGERS, I TRUST YOU HAVE A FAVORITE
25 VIDEO GAME. IT SOUNDED LIKE YOU HAVE A FAVORITE

1 VIDEO GAME. CAN YOU TELL ME WHAT IT IS?

2 PROSPECTIVE JUROR: MASS EFFECT.

3 MR. LEE: AND LET ME ASK ALL OF YOU THIS
4 QUESTION. HAVE ANY OF YOU HEARD OF SOMETHING
5 CALLED OPEN SOFTWARE, OPEN SOURCE SOFTWARE, OR OPEN
6 SOURCE SOFTWARE CODE?

7 AND FOR THOSE OF YOU WHO HAVE HEARD ABOUT
8 IT, LET ME ASK YOU FIRST, DO YOU HAVE ANY
9 INFORMATION ABOUT IT BEYOND JUST YOU'VE HEARD OF
10 THE WORD BEFORE? IF YOU KNOW SOMETHING ABOUT IT
11 BEYOND THAT, WOULD YOU RAISE YOUR HAND?

12 OKAY. SO IF I ASKED -- OH, MR. ROGERS, I
13 THINK THERE'S FIVE.

14 SO WHAT DO YOU KNOW ABOUT IT?

15 PROSPECTIVE JUROR: FROM WHAT I
16 UNDERSTAND, IT'S -- WHEN SOMEBODY DEVELOPS A
17 PROGRAM, THEY LEAVE THE, THE ACTUAL CODE THAT MAKES
18 THE PROGRAM WORK OPEN FOR OTHER PEOPLE TO SEE AND
19 MESS WITH IF THEY FEEL LIKE IT SO THAT THEY CAN DO
20 WHAT THEY WANT WITH IT AND MAKE IT MORE USEFUL FOR
21 THEM OR ADD TO IT OR IMPROVE IT IN SOME WAYS.

22 MR. LEE: OKAY. AND HAVE YOU EVER WORKED
23 WITH IT YOURSELF?

24 PROSPECTIVE JUROR: I'VE NEVER MESSED
25 WITH PROGRAMMING AND STUFF.

1 MR. LEE: OKAY. I THINK MR. DUNN, YOU
2 WERE --

3 PROSPECTIVE JUROR: MY EXPERIENCE IS VERY
4 SIMILAR. I KNOW THAT IT'S A FORM OF A DESIGNER
5 PROGRAMMING THAT YOU CAN THEN ADD ON TO BY LEAVING
6 IT, AS IT SOUNDS, OPEN FOR OTHER PEOPLE TO
7 MANIPULATE, AS LONG AS THEY GIVE CREDIT TO THE
8 PREVIOUS PEOPLE.

9 MR. LEE: AND HAVE YOU HAD A CHANCE TO DO
10 IT YOURSELF?

11 PROSPECTIVE JUROR: NO.

12 THE COURT: ALL RIGHT. WAS MR. --

13 PROSPECTIVE JUROR: I DON'T HAVE ANYTHING
14 TO ADD TO WHAT HAS ALREADY BEEN SAID, SO --

15 MR. LEE: OKAY.

16 PROSPECTIVE JUROR: JUST -- SAME FOR ME
17 ESSENTIALLY.

18 MR. LEE: THANK YOU. I THINK WE NEED TO
19 SEND THE MICROPHONE TO THE BACK ROW. I THINK I SAW
20 A COUPLE HANDS BACK THERE.

21 MR. HOGAN?

22 PROSPECTIVE JUROR: I TOO DON'T HAVE
23 ANYTHING TO ADD. I MEAN, I KNOW WHAT IT IS AND I
24 KNOW HOW IT'S USED, BUT ANYTHING I WOULD SAY HAS
25 ALREADY BEEN SAID.

1 MR. LEE: OKAY. MR. BELLA, THE SAME?

2 PROSPECTIVE JUROR: THE SAME.

3 MR. LEE: AND DID ANYBODY ELSE HAVE THEIR
4 HAND UP? I'M SORRY. MR. BELLA, THE SAME?

5 PROSPECTIVE JUROR: THAT WAS IT, JUST
6 REAFFIRMING WHAT WAS SAID ALREADY.

7 THE COURT: AND MR. OKAMOTO HAD HIS HAND
8 UP?

9 PROSPECTIVE JUROR: SO BASICALLY THE SAME
10 THING. I BASICALLY KNOW THE CONCEPT, BUT I HAVE
11 NOT HAD ANY HANDS ON ANY OF THAT STUFF.

12 MR. LEE: ALL RIGHT. THANK YOU ALL VERY
13 MUCH.

14 THAT'S ALL THE QUESTIONS I HAVE, YOUR
15 HONOR.

16 THE COURT: OKAY. THANK YOU.

17 MR. PRICE: YOUR HONOR, WOULD IT BE
18 POSSIBLE TO HAVE WHAT YOU REFERRED TO AS BIO BREAK?

19 THE COURT: YES. DO YOU WANT TO DO THAT
20 NOW? I WAS HOPING WE COULD DO YOURS AND THEN DO
21 THE BREAK.

22 MR. PRICE: I MIGHT BE HOPPING A LITTLE
23 BIT.

24 THE COURT: ALL RIGHT. LET'S THEN JUST
25 TAKE A 15-MINUTE BREAK RIGHT NOW. ALL RIGHT.

1 AGAIN, PLEASE DON'T DISCUSS THE CASE WITH
2 ANYONE. PLEASE DON'T DO ANY OF YOUR OWN RESEARCH.
3 THANK YOU FOR YOUR SERVICE.

4 (WHEREUPON, A RECESS WAS TAKEN.)

5 THE COURT: ALL RIGHT. WELCOME BACK.

6 ALL RIGHT. MR. PRICE, PLEASE GO AHEAD.

7 MR. PRICE: GOOD AFTERNOON, LADIES AND
8 GENTLEMEN. MY NAME IS BILL PRICE AND I REPRESENT
9 SAMSUNG AND I WANT TO FOLLOW-UP WITH A FEW
10 QUESTIONS.

11 OF COURSE BOTH PARTIES WANT TO MAKE SURE
12 THAT THEY GET AS FAIR OF A TRIAL AS POSSIBLE, SO
13 THERE ARE A FEW THINGS THAT I WANT TO FOLLOW UP ON
14 AND A FEW THINGS THAT I'M CURIOUS ABOUT.

15 OF COURSE I WANT TO THANK YOUR HONOR FOR
16 GIVING US THAT RIGHT.

17 SO, YOU KNOW, THERE WERE A LOT OF HANDS
18 THAT WENT UP WHEN HER HONOR ASKED HAS ANYONE HERE
19 READ ANYTHING ABOUT THIS CASE, AND I KNOW YOU ALL
20 SAID THAT -- NOT YOU ALL, BUT I THINK AT THE TIME
21 ABOUT 18 PEOPLE RAISED THEIR HANDS. I CAN'T
22 REMEMBER WHO'S LEFT WHO RAISED THEIR HANDS.

23 BUT YOU ALL SAID -- OR NO ONE SAID THAT,
24 YOU KNOW, THEY COULDN'T BE UNFAIR.

25 SO MY QUESTION, I'VE GOT ONE THAT'S A

1 LITTLE DIFFERENT, AND THAT IS, YOU KNOW, HAVE --
2 FOR THOSE OF YOU WHO HAVE READ ABOUT THE CASE, I
3 KNOW YOU'VE SAID, THOSE WHO HAVE READ ABOUT THE
4 CASE, THAT YOU COULD BE FAIR AND THAT YOU'RE GOING
5 TO BE OPEN MINDED.

6 MY QUESTION IS A BIT DIFFERENT. OF THOSE
7 WHO READ ABOUT THE CASE, DID ANY OF YOU THINK,
8 AFTER HAVING READ WHATEVER YOU READ, YOU KNOW, "I
9 CAN BE FAIR, BUT RIGHT NOW I'VE GOT TO SAY THAT
10 SAMSUNG HAS GOT A LITTLE BIT OF AN EDGE, OR APPLE
11 IS A LITTLE BIT BEHIND?"

12 THOSE ARE THE SAME THINGS I GUESS. OR
13 THAT SAMSUNG IS A LITTLE BIT BEHIND.

14 (LAUGHTER.)

15 MR. PRICE: SO IS THERE ANYBODY WHO,
16 HAVING READ ALL THIS, THINKS, "OKAY, I DO HAVE AN
17 IMPRESSION. I'M GOING TO TRY TO KEEP IT OUT OF MY
18 MIND, BUT RIGHT NOW I THINK ONE PARTY OR THE OTHER
19 IS A LITTLE BIT AHEAD" BASED ON WHAT YOU READ AND
20 THE ARTICLES WRITTEN BY SOME OF THE FOLKS OUT THERE
21 IN THE AUDIENCE.

22 DOES ANYONE HAVE THAT VIEW? YOU MIGHT --
23 ANYONE HAVE ANY VIEW AT ALL ABOUT REALLY, YOU KNOW,
24 ANY SPECIFIC PIECES OF EVIDENCE IN THIS CASE, OR
25 ANYTHING THAT YOU'VE READ? NO?

1 LET ME ASK, I THINK SPECIFICALLY, THERE
2 ARE A FEW PEOPLE I KNOW WHO RAISED THEIR HANDS.

3 LET'S SEE. MR. KRETZMANN, I THINK YOU
4 RAISED YOUR HAND ON THAT, RIGHT?

5 PROSPECTIVE JUROR: I RAISED MY HAND -- I
6 NEED THE MICROPHONE.

7 I RAISED MY HAND TO INDICATE THAT I HAD
8 SEEN SOMETHING ABOUT THIS IN THE NEWSPAPER. IN
9 FACT, WHEN I WALKED INTO THE COURTHOUSE, THE
10 RECORDER, WHICH IS, I GUESS, SOME SORT OF LEGAL
11 NEWSLETTER --

12 MR. PRICE: YEAH.

13 PROSPECTIVE JUROR: -- THE CASE WAS ON
14 THE FRONT PAGE. I SAW THE TITLE, BUT I
15 DELIBERATELY DID NOT READ IT.

16 MR. PRICE: OKAY.

17 PROSPECTIVE JUROR: I HAVEN'T READ ANY
18 ARTICLES AT ALL.

19 MR. PRICE: LET'S SEE. I THINK MR. --
20 I'M GOING TO ASK A COUPLE OF YOU HERE WHOSE HANDS I
21 SAW GO UP, AND THAT WOULD INCLUDE -- AND I'M SORRY,
22 I'M BAD WITH NAMES, BUT I WILL DO MY BEST --
23 MS. MATHUR.

24 LET'S MAKE THIS EASY. WHO RAISED THEIR
25 HAND? OKAY. AND SO ALL OF YOU FOLKS, YOU'RE

1 ANXIOUS AND READY TO HEAR WHAT THE EVIDENCE REALLY
2 IS AND EVERYONE WILL GIVE EVERYBODY A FAIR SHAKE,
3 RIGHT? GOOD.

4 I WANTED -- BY THE WAY, AS KIND OF A
5 PROCEDURAL MATTER, EARLIER WE ASKED YOU WHETHER YOU
6 KNEW SOME NAMES AND THERE ARE SOME ATTORNEYS HERE
7 WHO YOU'RE GOING TO HEAR SPEAK.

8 THIS MAY BE THE LAST TIME I GET TO SPEAK
9 DIRECTLY TO YOU, BUT ONE OF THE ATTORNEYS THAT YOU
10 MAY HEAR FROM AND ONE OF THE WITNESSES WHO'S
11 WORKING FOR SAMSUNG IS MR. JOHN QUINN, WHO IS THIS
12 GENTLEMEN OUT THERE, AND WE NEGLECTED TO MENTION
13 HIS NAME.

14 SO I GUESS THE QUESTION IS, HAS ANYBODY
15 EVER SEEN HIM BEFORE, HEARD ABOUT HIM, CARE ABOUT
16 HIM, GOT A SCORE AGAINST HIM? OKAY. GOOD.

17 AND SO LET ME ASK YOU FOLKS A FEW
18 SPECIFIC QUESTIONS. AND I WANT TO START WITH
19 MS. HALIM. YOU'VE BEEN IN THE INDUSTRY -- IT SEEMS
20 LIKE YOU'VE BEEN INVOLVED IN TECHNOLOGY FOR A LONG
21 TIME.

22 PROSPECTIVE JUROR: YES.

23 MR. PRICE: A COUPLE PATENTS, AND I HEARD
24 YOU SAY YOU HAVE A REGULAR CELL PHONE.

25 PROSPECTIVE JUROR: YES.

1 MR. PRICE: AND I GUESS I'M JUST
2 WONDERING, SOMETHING WHO'S IN THE INDUSTRY AND HAS
3 A COUPLE PATENTS AND KIND OF TECHNOLOGY SAVVY, YOU
4 KNOW, WHAT'S WRONG WITH A SMARTPHONE?

5 PROSPECTIVE JUROR: WELL, I DON'T LIKE
6 THE, THE DATA PLAN WITH JUST THAT.

7 MR. PRICE: SO IT'S JUST NOT WORTH IT FOR
8 YOU IN TERMS OF THE VALUE?

9 PROSPECTIVE JUROR: NO, YEAH. BECAUSE I
10 USE PHONE TO CALL PEOPLE.

11 MR. PRICE: UM-HUM.

12 PROSPECTIVE JUROR: FOR THE VOICE, RIGHT?
13 FOR THE DATA, WELL, I'M ON A COMPUTER ALL THE TIME.
14 SO --

15 MR. PRICE: OKAY. THAT'S FAIR.

16 LET ME ASK, AND I'M JUST GOING TO -- AND
17 I APOLOGIZE, TOO, THAT I CAN'T TALK TO ALL OF YOU,
18 BUT WE DON'T HAVE ENOUGH TIME.

19 I WANT TO ASK MR. HOGAN, I'M GOING TO
20 START WITH YOU AND ASK THIS QUESTION IN GENERAL FOR
21 YOU PATENT FOLKS, THAT IS, THOSE OF YOU WHO HAVE
22 ACTUALLY CREATED TECHNOLOGY THAT HAS BEEN PATENTED.

23 MR. HOGAN, WOULD -- WERE YOU ACTIVELY
24 INVOLVED IN THE PROSECUTION OF YOUR PATENT? THAT
25 IS, OBVIOUSLY YOU HAD AN ATTORNEY?

1 PROSPECTIVE JUROR: YES.

2 MR. PRICE: AND MY UNDERSTANDING IS YOURS
3 WAS NOT FOR YOUR COMPANY, BUT IT WAS ACTUALLY YOU?

4 PROSPECTIVE JUROR: YES.

5 MR. PRICE: SO HOW -- HOW ACTIVE WERE YOU
6 IN THAT PROCESS OF WORKING WITH THE PATENT OFFICE?

7 PROSPECTIVE JUROR: WE SPOKE ALMOST EVERY
8 DAY UNTIL WE GOT IT PENNED AND SUBMITTED. VERY
9 ACTIVE.

10 MR. PRICE: AND YOU --

11 PROSPECTIVE JUROR: EVEN WHEN THE OFFICE
12 ACTIONS CAME BACK, I WAS ACTIVE IN -- WITH MY
13 ATTORNEY TO SETTLE THOSE.

14 MR. PRICE: OKAY. AND SO YOU HAVE A LOT
15 OF BACK AND FORTH? WAS IT LIKE A SIX-YEAR PERIOD,
16 I THINK?

17 PROSPECTIVE JUROR: FROM 2001 WHEN --
18 2002, EXCUSE ME, UNTIL 2008 WHEN IT WAS ACTUALLY
19 ISSUED. SO YES.

20 MR. PRICE: OKAY. NOW, DOES THAT
21 EXPERIENCE GIVE YOU ANY BIAS FOR OR AGAINST, FOR
22 EXAMPLE, THE PATENT OFFICE?

23 PROSPECTIVE JUROR: NO, NOT REALLY.
24 ALTHOUGH I WILL SAY I WAS GLAD TO HEAR THAT THEY
25 OPENED -- THAT THEY'RE CONTEMPLATING OPENING UP AN

1 OFFICE HERE IN TOWN TO SPEED THE PROCESS ALONG. IT
2 TOOK ME SEVEN YEARS TO GET MY PATENT, AND THAT
3 SEEMED LIKE A LONG TIME TO WAIT, YOU KNOW?

4 MR. PRICE: AND DID YOU GO TO D.C.?

5 PROSPECTIVE JUROR: NO, NO, NO. IT WAS
6 ALL DONE OVER THE PHONE AND THROUGH CORRESPONDENCE.

7 BUT SEVEN YEARS SEEMED LIKE A LONG TIME,
8 AND THE FIRST FOUR YEARS OF THAT, THERE WAS NO
9 ACTIVITY FROM THE PATENT OFFICE WHATSOEVER.

10 MR. PRICE: AND I WASN'T EXACTLY CLEAR
11 THEN, WHAT WAS THE TECHNOLOGY THAT YOUR PATENT WAS
12 ON?

13 PROSPECTIVE JUROR: VIDEO COMPRESSION.

14 MR. PRICE: THAT'S YOUR HOBBY, TOO.
15 THAT'S YOUR HOBBY ALSO I THINK YOU SAID?

16 PROSPECTIVE JUROR: YES.

17 MR. PRICE: ANYTHING ELSE THAT YOU HAVE
18 AS A HOBBY? NO? OKAY.

19 LET'S ASK MR. BELLA, ONE OF THE THINGS
20 THAT YOU SAID, I THINK, WAS THAT THE PIONEERS ARE
21 GONE. DID YOU SAY SOMETHING ABOUT PIONEERS IN YOUR
22 ANSWER OR WAS THAT SOMEONE ELSE?

23 PROSPECTIVE JUROR: REGARDING WHAT?

24 MR. PRICE: I JUST HEARD -- MAYBE WHAT
25 YOU DID -- IT WAS THE PERSON --

1 PROSPECTIVE JUROR: THAT WAS THE
2 INDIVIDUAL WHO SAT IN THIS SEAT RIGHT THERE.

3 MR. PRICE: AH, THANK YOU.

4 YOU SAID, MR. BELLA, THAT YOU'RE PART OF
5 A MAC FAMILY. IS THAT RIGHT?

6 PROSPECTIVE JUROR: MAC, YES.

7 MR. PRICE: AND YOU HAVE A, A VERIZON
8 PHONE?

9 PROSPECTIVE JUROR: THAT'S FURNISHED BY
10 WORK.

11 MR. PRICE: OKAY. SO IS THAT THE PHONE
12 YOU WOULD SELECT?

13 PROSPECTIVE JUROR: I'M SORRY, WHAT?

14 MR. PRICE: IS THAT THE PHONE THAT YOU
15 PERSONALLY WOULD SELECT?

16 PROSPECTIVE JUROR: NOT REALLY. I'M NOT
17 BIG INTO -- I HAVE A -- I HAVE A REALLY OLD FLIP
18 PHONE. I THINK IT'S A SAMSUNG. I DON'T KNOW. I
19 DON'T CARRY IT MUCH.

20 THAT'S SUPPLIED BY WORK BECAUSE NEXTEL IS
21 NO LONGER AROUND MUCH. THAT'S WHAT IT'S REALLY
22 USED FOR.

23 MR. PRICE: WELL, IF YOU HAD YOUR OWN
24 CHOICE, IF IT WASN'T IMPOSED ON YOU BY YOUR BOSS,
25 WHO -- WOULD YOU HAVE A PREFERENCE?

1 PROSPECTIVE JUROR: NOT REALLY. I DON'T
2 KNOW MUCH ABOUT THEM. MY SON IS THE ONE THAT'S
3 REALLY INTO THAT STUFF. HE WOULD TELL ME OR GUIDE
4 ME.

5 MR. PRICE: AND WHAT'S YOUR SON INTO?

6 PROSPECTIVE JUROR: HE'S INTO MAC REAL
7 HEAVY. I MEAN, HE'S A USER AND HE'S GOT ALL KINDS
8 OF STUFF.

9 MR. PRICE: SO MS. ROUGIERI, IS THAT --
10 IS THAT CORRECT?

11 PROSPECTIVE JUROR: CORRECT.

12 MR. PRICE: YOU SAID THAT YOU'RE THINKING
13 ABOUT BUYING AN IPAD, AND I -- I PERHAPS CRINGE TO
14 ASK YOU THIS, BUT WHY?

15 PROSPECTIVE JUROR: WHY? I -- I LOVE THE
16 TECHNOLOGY. I MEAN, YOU COULD SIT AROUND IN THE
17 YARD AND PLAY WITH IT.

18 MR. PRICE: YOU KNOW, OTHER COMPANIES
19 SELL TABLETS.

20 (LAUGHTER.)

21 PROSPECTIVE JUROR: APPLE COMES OUT WITH
22 REALLY, REALLY NICE STUFF.

23 MR. PRICE: NICE WHAT? OH, DON'T REPEAT
24 THAT. I'M SORRY.

25 MS. FLAVIN -- AND I'M SORRY, I'M GOING TO

1 SKIP SOME OF YOU AND HAVE -- I JUST WANTED TO ASK
2 YOU, I KNOW YOU SAID YOU WERE A UPS SUPERVISOR. IS
3 THAT RIGHT?

4 PROSPECTIVE JUROR: YES.

5 MR. PRICE: SO YOU'RE THE PERSON IN
6 CHARGE OF GETTING THE PACKAGE TO SOMEONE BY
7 10:00 A.M. OR WHATEVER?

8 PROSPECTIVE JUROR: I PLAY A PART OF IT.

9 MR. PRICE: SO YOU'RE NOT TAKING
10 RESPONSIBILITY OR BLAME?

11 PROSPECTIVE JUROR: I DON'T DRIVE THE
12 TRUCKS.

13 MR. PRICE: OKAY. SO I WAS JUST
14 WONDERING, IS THIS -- FOR YOUR CAREER PATH, BECAUSE
15 YOU'RE FAIRLY YOUNG, AT LEAST COMPARED TO ME, SO
16 WHAT DO YOU EXPECT TO DO IN THE FUTURE? WHAT'S
17 YOUR IDEAS IF YOU'RE -- WHAT'S YOUR DREAM JOB?

18 PROSPECTIVE JUROR: I'LL BE STAYING WITH
19 UPS AND I'LL BE DOING MANY JOBS.

20 MR. PRICE: OKAY. SO YOU LIKE THE
21 COMPANY AND THAT'S WHERE YOU WANT TO STAY?

22 PROSPECTIVE JUROR: YEAH.

23 MR. PRICE: SPEAKING ABOUT WHAT YOU WANT
24 TO DO, I WANTED TO ASK MR. ROGERS, IF I COULD,
25 SINCE YOU DON'T HAVE A JOB, OR HAVEN'T HAD ANY

1 SIGNIFICANT JOBS, AND I DON'T REALLY GET A SENSE OF
2 MAYBE WHAT YOU WANT TO DO IN THE WORK FORCE, SO
3 WHAT -- WHAT DO YOU THINK -- IT SOUNDS LIKE AN
4 INTERVIEW QUESTION AND I'M SORRY, BUT I'M JUST KIND
5 OF CURIOUS, IN THE NEXT TEN YEARS, WHERE DO YOU SEE
6 YOURSELF?

7 (LAUGHTER.)

8 PROSPECTIVE JUROR: I THINK LONG-TERM
9 WHAT I'M MOST LIKELY GOING TO END UP DOING IS I
10 WANT TO GO TO COLLEGE FOR SOFTWARE ENGINEERING AND
11 DIGITAL DESIGN AND EVENTUALLY END UP WORKING FOR A
12 VIDEO GAME DESIGNER.

13 MR. PRICE: OKAY. SO THAT YOUR HOBBY
14 WILL BE YOUR WORK AS WELL?

15 PROSPECTIVE JUROR: YES.

16 MR. PRICE: OKAY. AND YOU SAID YOU PLAY
17 A LOT OF VIDEO GAMES, AND I WAS TRYING TO -- BUT
18 YOU DON'T HAVE A SMARTPHONE. DID YOU HAVE A MAC OR
19 A COMPUTER? WHAT DO YOU PLAY THE GAMES ON?

20 PROSPECTIVE JUROR: I HAVE -- LATELY I'VE
21 BEEN PLAYING A LOT ON MY XBOX, BUT I HAVE A VERY
22 OLD DESKTOP. I DON'T PLAY MUCH ON THAT ANYWAY.

23 BUT I ALSO HAVE A TOSHIBA THAT'S LIKE
24 FOUR OR FIVE YEARS OLD. I DON'T PLAY LIKE -- I
25 TYPICALLY DON'T PLAY THE NEWER COMPUTER GAMES. I

1 PLAY THE NEWER GAMES ON XBOX. I ALSO PLAY SOME ON
2 HANDHELDS SOMETIMES.

3 MR. PRICE: OKAY. THANK YOU. I
4 APPRECIATE IT.

5 MR. REYES, I NOTICED THAT, I THINK YOU
6 SAID THAT YOU HAVE A CASIO PHONE, WHICH IS NOT A
7 SMARTPHONE. IS THAT RIGHT?

8 PROSPECTIVE JUROR: NO, IT IS A
9 SMARTPHONE.

10 MR. PRICE: OH, OKAY.

11 PROSPECTIVE JUROR: IT'S A COMMANDO.

12 MR. PRICE: I THOUGHT YOU SAID YOU DIDN'T
13 AND YOUR WIFE DID AND I WAS GOING TO ASK YOU HOW
14 THAT CAME ABOUT.

15 HOW IS IT THAT YOU SELECTED YOUR
16 SMARTPHONE?

17 PROSPECTIVE JUROR: JUST THROUGH VERIZON,
18 THROUGH ANOTHER CO-WORKER THAT HAD IT. THE TYPE OF
19 WORK I DO, IT'S INDESTRUCTIBLE WHEN YOU DROP IT.

20 MR. PRICE: AND DO YOU KNOW WHY YOUR WIFE
21 CHOSE A SAMSUNG SMARTPHONE?

22 PROSPECTIVE JUROR: JUST SOMETHING THAT
23 SHE LIKED.

24 MR. PRICE: SO YOU WEREN'T INVOLVED IN
25 THE RESEARCH OF THAT?

1 PROSPECTIVE JUROR: NO, HUM-UM.

2 MR. PRICE: OKAY. MR. TEPMAN, I THINK
3 YOU SAID THAT -- AND TELL ME IF I'M WRONG -- THAT
4 YOU ALSO USE AN IPHONE THAT YOUR COMPANY SUPPLIED?

5 PROSPECTIVE JUROR: YES.

6 MR. PRICE: IS -- AND YOUR SON WORKS AT
7 GOOGLE; RIGHT?

8 PROSPECTIVE JUROR: YEAH.

9 MR. PRICE: OKAY. DO YOU KNOW WHAT KIND
10 OF SMARTPHONE HE HAS?

11 PROSPECTIVE JUROR: YEAH. HE GOT FOR
12 CHRISTMAS PRESENT, HE GOT THE SAMSUNG. NO, I'M
13 SORRY -- YEAH, SAMSUNG. SMARTPHONE.

14 MR. PRICE: AND HE GOT IT FOR CHRISTMAS
15 FROM?

16 PROSPECTIVE JUROR: FROM GOOGLE.

17 MR. PRICE: FROM GOOGLE. AND HOW ABOUT
18 YOU? IF YOU -- YOU'VE BEEN FORCED -- WELL, NOT
19 FORCED -- I MEAN YOUR COMPANY HAS PROVIDED YOU WITH
20 AN IPHONE. WOULD THAT HAVE BEEN YOUR CHOICE
21 NATURALLY?

22 PROSPECTIVE JUROR: AFTER THOUGHT, YES.

23 MR. PRICE: AFTER THOUGHT?

24 PROSPECTIVE JUROR: I HAD A BLACKBERRY
25 AND IT WAS OKAY WITH ME AND ONE DAY THEY CHANGED.

1 BUT THE BLACKBERRY WAS GOOD ENOUGH.

2 MR. PRICE: YEAH.

3 PROSPECTIVE JUROR: BUT THEY CHANGED TO
4 IPHONE. I GUESS YOU CHANGE TO SOMETHING, YOU DO
5 SOMETHING.

6 MR. PRICE: SO YOU PERSONALLY DON'T
7 REALLY HAVE A PREFERENCE FOR ONE OR THE ANOTHER?

8 PROSPECTIVE JUROR: TODAY, IT'S LIKE IF
9 YOU TAKE A CAR FROM TOYOTA, A CAR FROM HONDA,
10 EVERYTHING IS IN THE SAME PLACE, THE SWITCHES,
11 EVERYTHING IN THE SAME PLACE.

12 THE PROBLEM IS NOW THAT IPHONE AND
13 SAMSUNG, IT'S NOT THE SAME PLACE. IT'S NOT THE
14 SAME.

15 SO FOR ME, I WILL FORGET. I'M NOT ABLE
16 TO -- IF I GO TO SAMSUNG, I WON'T KNOW.

17 AND THIS WILL GO TO DO THE SAME LIKE
18 CARS. SWITCH -- PUT THE SWITCHES THE SAME PLACE.

19 MR. PRICE: IT TAKES A WHILE TO LEARN
20 THEM, TO GET SOMETHING DIFFERENT.

21 PROSPECTIVE JUROR: YES. BUT IF I GO BUY
22 A NEW CAR, I CAN'T CARE, I BUY NISSAN, I BUY
23 TOYOTA, IT'S ALL THE TIME.

24 BUT IF THEY WERE ALL DIFFERENT, I WOULD
25 BUY THE SAME CAR ALL THE TIME.

1 MR. PRICE: OKAY. I'M NOT THE PERSON TO
2 SPEAK TO ABOUT THAT, BUT I UNDERSTAND.

3 MR. CATHERWOOD, BY THE WAY, I THINK YOU
4 SAID YOU HAVE A BACHELOR OF SCIENCE DEGREE. IS
5 THAT RIGHT?

6 I'M SORRY TO KEEP THE MICROPHONE -- I'M
7 TRYING TO KEEP IT IN THE GENERAL AREA.

8 PROSPECTIVE JUROR: YES. ACTUALLY, I
9 HAVE A BACHELOR'S OF SCIENCE IN PROFESSIONAL
10 AERONAUTICS, AND THEN I HAVE A GENERAL BACHELOR'S
11 OF SCIENCE DEGREE.

12 MR. PRICE: WHEN YOU SAY AERONAUTICS,
13 YOUR WIFE WORKS FOR LOCKHEED; IS THAT RIGHT?

14 PROSPECTIVE JUROR: CORRECT.

15 MR. PRICE: SO ARE YOU BOTH IN -- IN --

16 PROSPECTIVE JUROR: WHEN I WAS GOING TO
17 COLLEGE, I WAS IN THE NAVY, I WAS FLIGHT CREW
18 INVOLVED WITH VARIOUS AVIATION WORK, SO IT SEEMED
19 LIKE WHERE I WAS GOING, INSTEAD OF
20 TELECOMMUNICATIONS WHERE I ENDED UP.

21 MR. PRICE: WELL, LIFE GIVES YOU
22 SURPRISES.

23 LET ME SEE IF I HAVE ANY OTHER QUESTIONS.
24 I ACTUALLY DID WANT TO ASK MR. KRETZMANN, OUT OF
25 CURIOSITY -- NO, I'M SORRY, MR. TEPMAN AGAIN --

1 YOUR DAUGHTER'S A SELF CONFIDENCE COACH?

2 PROSPECTIVE JUROR: YEAH, FOR CHILDREN.

3 MR. PRICE: AH, OKAY. SO IT'S NOT LIKE A
4 TONY ROBERTS OR SOMETHING?

5 PROSPECTIVE JUROR: NO. CHILDREN AGE 12
6 TO 18.

7 MR. PRICE: OKAY, YEAH. I WANT TO ASK
8 YOU FOLKS ABOUT SOME GENERAL CONCEPTS WHICH THE
9 COURT TALKED TO YOU ABOUT, AND ONE OF THEM IS THAT,
10 YOU KNOW, YOU'RE SUPPOSED TO WAIT UNTIL YOU HEAR
11 THE EVIDENCE TO DECIDE THINGS.

12 AND IN THIS PARTICULAR CASE, AS IN ALL
13 CASES, ONE PARTY GOES FIRST AND THE OTHER PARTY
14 GOES SECOND.

15 SO APPLE IS GOING TO PRESENT EVIDENCE
16 FIRST AND THEN SAMSUNG SECOND.

17 SO IT'S PARTICULARLY IMPORTANT THAT YOU
18 KEEP AN OPEN MIND UNTIL EVERYBODY'S HAD THEIR TURN
19 AND YOU'VE HEARD ALL THE EVIDENCE.

20 NOW, DOES ANYONE THINK THAT THAT MAY BE A
21 LITTLE BIT CHALLENGING FOR THEM?

22 WELL, LET ME ASK IT LIKE THIS, AND
23 MAYBE -- I THINK AT LEAST THERE WAS ONE PERSON UP
24 THERE WHO SAID THAT SPORTS WERE THEIR HOBBIES,
25 MR. OKAMOTO.

1 PROSPECTIVE JUROR: YEAH.

2 MR. PRICE: SO HAVE YOU EVER BEEN IN A
3 SITUATION WHERE, SAY, IN A BASKETBALL GAME, YOU'VE
4 BEEN WATCHING A GAME WITH A FRIEND AND YOU'RE
5 ROOTING FOR ONE TEAM AND THEY'RE ROOTING FOR THE
6 OTHER AND TWO BODIES THAT ARE, LIKE, 6'9" HIT HIGH
7 IMPACT AND THE REF CALLS A CHARGE, AND IF IT'S
8 AGAINST YOUR TEAM, YOU GO, "THAT'S RIDICULOUS, HIS
9 FEET WERE MOVING," AND YOUR FRIEND SAYS, "NO, I SAW
10 IT CLEARLY AND IT WAS A CHARGE."

11 HAVE YOU EVER BEEN IN THAT KIND OF A
12 SITUATION WHERE, BECAUSE YOU'RE ALREADY LEANING ONE
13 WAY OR ANOTHER, YOU KIND OF SEE THINGS DIFFERENTLY?

14 PROSPECTIVE JUROR: I DON'T KNOW IN THAT
15 SPECIFIC CASE. I'M MORE LIKE MAYBE HOCKEY OR
16 FOOTBALL.

17 MR. PRICE: LET'S CALL IT PASS
18 INTERFERENCE.

19 PROSPECTIVE JUROR: PASS INTERFERENCE,
20 OKAY.

21 USUALLY IF I'M WATCHING A GAME, I USUALLY
22 HAVE THE TEAM I WANT TO WIN, SO IF IT'S THE NINER'S
23 VERSUS SOMEBODY, I WANT THE NINERS TO WIN.

24 OBVIOUSLY, IF I THOUGHT THE PLAY WAS PASS
25 INTERFERENCE AGAINST US, I WOULD BE OKAY WITH

1 SAYING THAT WAS PASS INTERFERENCE.

2 BUT IF IT WAS CLOSE AND I THOUGHT -- I'LL
3 SOMETIMES DISAGREE WITH THE COMMENTATORS AND I'LL
4 GET MY TIVO AND GO SLOW MOTION AND WATCH IT AGAIN
5 AND I'LL KIND OF SAY THAT WAS NOT PASS
6 INTERFERENCE, OR THAT WAS.

7 SO I LIKE TO -- I DON'T SWAY BASED ON MY
8 FEELINGS, EVEN THOUGH I'LL WATCH IT, BUT OF COURSE
9 I'M ROOTING FOR MY HOME TEAM AND I'LL WATCH IT AND
10 BASE MY OPINION ON WHAT I SEE.

11 SO IN THOSE SITUATIONS, THAT'S WHAT I'LL
12 DO.

13 MR. PRICE: YOU'RE VERY ANALYTICAL,
14 AREN'T YOU?

15 PROSPECTIVE JUROR: WHAT'S THAT?

16 MR. PRICE: YOU'RE VERY ANALYTICAL,
17 AREN'T YOU?

18 HOW MANY PEOPLE LOOK AT SPORTS WITH A
19 LITTLE EMOTION?

20 THERE YOU GO.

21 WELL, IN THIS CASE, AS IN LIFE, IF YOU
22 START ROOTING FOR ONE SIDE OR ANOTHER, EITHER SIDE,
23 YOU MIGHT LOOK AT THE EVIDENCE DIFFERENTLY, AND
24 THAT REALLY IS HARD TO DO, I MEAN, TO SUSPEND
25 JUDGMENT FOR FOUR WEEKS, YOU KNOW, UNTIL YOU'VE

1 HEARD ALL THE EVIDENCE. THAT'S KIND OF A
2 CHALLENGE.

3 SO I DO ASK YOU, AND APPLE WILL ASK YOU
4 AS WELL, TO TRY TO DO THAT AND WAIT UNTIL YOU HEAR
5 ALL THE EVIDENCE.

6 LET ME ASK, YOU KNOW --

7 THE COURT: YOU HAVE ONE MINUTE.

8 MR. PRICE: THANK YOU. AND THIS WILL BE
9 MY FINAL QUESTION.

10 THERE'S -- WE ARE A SOUTH KOREAN COMPANY
11 AND YOU WERE ASKED ABOUT IS THERE ANY BIAS BASED
12 UPON WHERE COMPANIES ARE SITUATED.

13 AND I JUST WANT TO ASK -- YOU KNOW, I
14 GUESS I WANT TO ASK IT THIS WAY: DOES ANYONE HERE
15 THINK THAT, FOR EXAMPLE, IT'S -- THAT ASIAN
16 COMPANIES OR SOUTH KOREAN COMPANIES, YOU KNOW, ARE
17 MORE DISHONEST THAN AMERICAN COMPANIES IN BUSINESS
18 OR, OR CHEAT OR, YOU KNOW, JUST DON'T -- YOU JUST
19 DON'T HAVE THE SAME POSITIVE FEELINGS ABOUT THOSE
20 COMPANIES AS YOU WOULD ABOUT SOMEONE WHO, YOU KNOW,
21 IS LOCATED NEARBY AND KIND OF ICONIC? DOES ANYONE
22 THINK THAT BASICALLY SAMSUNG IS STARTING A LITTLE
23 BIT BEHIND BECAUSE OF THAT?

24 OKAY. THANK YOU VERY MUCH. IT'S BEEN A
25 LONG AFTERNOON.

1 THANK YOU, YOUR HONOR.

2 THE COURT: ALL RIGHT. THANK YOU.

3 ALL RIGHT. WE ARE JUST GOING TO TAKE A
4 VERY QUICK SIDE-BAR AND I WILL MEMORIALIZE THIS
5 DURING THE RECESS ON ANY CAUSE CHALLENGES.

6 WELL, YOU CAN TELL ME NOW, ARE THERE ANY?

7 MR. PRICE: NO CAUSE CHALLENGES.

8 THE COURT: ALL RIGHT. WE MAY NOT NEED
9 TO DO THIS IF --

10 (PAUSE IN PROCEEDINGS.)

11 MR. LEE: MAY WE APPROACH THE SIDE-BAR,
12 YOUR HONOR?

13 THE COURT: YES.

14 (SIDE-BAR DISCUSSION OFF THE RECORD.)

15 THE COURT: ALL RIGHT. WE ARE GOING TO
16 TAKE A 20-MINUTE RECESS FOR OUR JURORS, AND WHEN
17 YOU COME BACK, WE WILL HAVE OUR JURY SELECTED AT
18 THAT POINT.

19 IN YOUR ABSENCE, THE PARTIES ARE GOING TO
20 MAKE THEIR OWN SELECTIONS. OKAY?

21 SO IN THE MEANTIME, IT IS NOW 3:30 BY THE
22 OFFICIAL CLOCK AND WE'RE GOING TO TAKE A 20-MINUTE
23 BREAK.

24 AND AGAIN, PLEASE DON'T DISCUSS THE CASE
25 WITH ANYONE. PLEASE KEEP AN OPEN MIND UNTIL THE

1 END OF THE CASE.

2 YOU ARE NOT -- THERE'S BEEN NO EVIDENCE
3 RIGHT NOW, SO THERE'S REALLY NOTHING THAT SHOULD BE
4 WEIGHING ON YOU ONE WAY OR THE OTHER. AND PLEASE
5 DON'T DO ANY RESEARCH. OKAY?

6 (DISCUSSION OFF THE RECORD BETWEEN THE
7 COURT AND THE CLERK.)

8 THE COURT: ALL RIGHT. THANK YOU VERY
9 MUCH. WE'LL SEE YOU BACK HERE IN 20 MINUTES.
10 THANK YOU.

11 (WHEREUPON, THE FOLLOWING PROCEEDINGS
12 WERE HELD OUT OF THE PRESENCE OF THE PROSPECTIVE
13 JURORS:)

14 THE COURT: ARE THERE ANY JURORS STILL
15 LEFT IN THE COURTROOM? ANY JURORS STILL LEFT? ARE
16 ANY JURORS LEFT IN THE COURTROOM? NO?

17 OKAY. THE RECORD SHOULD REFLECT THAT ALL
18 THE JURORS HAVE LEFT.

19 LET ME JUST MEMORIALIZE THAT LAST
20 SIDE-BAR.

21 APPLE RENEWED ITS FOR-CAUSE CHALLENGE AS
22 TO MR. OKAMOTO BASED ON THE -- WELL, ACTUALLY, YOU
23 WANT TO JUST MEMORIALIZE WHAT YOU STATED DURING THE
24 SIDE-BAR?

25 MR. LEE: SURE.

1 WE RENEWED OUR OBJECTION TO MR. OKAMOTO
2 FOR THE REASONS I ARTICULATED EARLIER, BUT ALSO
3 BECAUSE HE HAS PATENTS AND THE PATENTS GO TO THE
4 ANDROID OPERATING SYSTEM.

5 I ALSO READ A LIST OF FIVE DECLARANTS
6 FROM GOOGLE IN THE PRELIMINARY INJUNCTION
7 PROCEEDING. HE KNEW OF ONE AND HAD BEEN ON THE
8 CHAIN.

9 I THINK -- YOUR HONOR, WE THINK THE
10 COMBINATION OF HIS STOCK OPTIONS, THE RELATIONSHIP
11 BETWEEN GOOGLE AND SAMSUNG IS JUST TOO CLOSE, AND
12 WHILE HE HAS SAID THAT HE COULD BE FAIR AND
13 IMPARTIAL, OVER A MONTH LONG TRIAL INVOLVING THE
14 LARGEST BUSINESS PARTNER OF GOOGLE, WE THINK THAT
15 WOULD BE IMPOSSIBLE TO DO.

16 THE COURT: ALL RIGHT. THE FIVE
17 DECLARANTS, THE NAMES THAT YOU READ OFF, ARE NOT ON
18 THE WITNESS LIST.

19 I DO ACKNOWLEDGE THAT ONE OF THE FIVE --
20 NOT -- WELL, OF THE FIVE NAMES THAT YOU LISTED OFF,
21 NONE OF THEM ARE ON THE WITNESS LIST FOR THIS
22 TRIAL.

23 MR. LEE: THAT'S CORRECT.

24 THE COURT: ALL RIGHT. AND MR. OKAMOTO
25 HAS BEEN VERY CREDIBLE IN RESPONSE TO ALL QUESTIONS

1 CONSISTENT THROUGHOUT THIS ENTIRE DAY OF JURY
2 SELECTION THAT HE WILL BE FAIR AND IMPARTIAL AND
3 THAT HIS EMPLOYMENT AND STOCK OWNERSHIP WILL NOT
4 BIAS OR PREJUDICE HIM IN ANY WAY IN FAVOR OF EITHER
5 PARTY, AND BASED ON HOW CREDIBLY AND CONSISTENTLY
6 HE HAS ANSWERED QUESTIONS, THE COURT DENIES THAT
7 FOR-CAUSE CHALLENGE.

8 ALL RIGHT. WAS THAT AN ACCURATE
9 REPRESENTATION OF THE SIDE-BAR?

10 MR. LEE: FOR APPLE, YES, YOUR HONOR.

11 MR. VERHOEVEN: YES, YOUR HONOR.

12 THE COURT: OKAY. GO AHEAD, PLEASE, AND
13 DO YOUR CHALLENGES.

14 DO THEY HAVE THE SHEET, MS. PARKER BROWN?

15 THE CLERK: YES.

16 (PAUSE IN PROCEEDINGS.)

17 (WHEREUPON, THE FOLLOWING PROCEEDINGS
18 WERE HELD IN OF THE PRESENCE OF THE PROSPECTIVE
19 JURORS:)

20 THE COURT: OKAY. PLEASE TAKE A SEAT.

21 THE CLERK: PLEASE BE SEATED, IF YOU HAVE
22 A SEAT.

23 I'M GOING TO CALL OUT TEN NAMES WHO WILL
24 BE THE JURY IN THIS CASE. THE FIRST FIVE WILL SIT
25 IN THE BACK ROW STARTING BY THE WATER COOLER, AND

1 THE LAST FIVE WILL SIT IN THE FRONT ROW.

2 THE FIRST JUROR IS VELVIN HOGAN;
3 LUZVIMINDA ROUGIERI; MANUEL REYES; MARICRUZ
4 FRIESEN; PETER CATHERWOOD; CHRISTOPHER ROGERS, AND
5 MR. ROGERS, YOU'RE GOING TO START THE FRONT ROW;
6 AARTI MATHUR.

7 PROSPECTIVE JUROR: I WAS GOING TO GO
8 AROUND.

9 THE CLERK: YEAH, YOU CAN GO AROUND.
10 MANUEL ILAGAN, AND DAVID DUNN.

11 PROSPECTIVE JUROR: THERE'S SOME STUFF ON
12 THE FIRST CHAIR.

13 THE COURT: IT'S SOMEBODY'S JACKET.

14 PROSPECTIVE JUROR: THAT'S FINE.

15 THE CLERK: AND MARK FLADELAND.

16 DID I SAY THAT RIGHT?

17 AND IF THE TEN OF YOU WOULD STAND,
18 PLEASE, AND RAISE YOUR RIGHT HANDS.

19 (JURY PANEL SWORN.)

20 JURORS: YES.

21 THE CLERK: THANK YOU. YOU MAY BE
22 SEATED.

23 THE COURT: ALL RIGHT. WELL, THE REST OF
24 YOU MAY BE FEELING EXHILARATED, LIKE YOU ESCAPED A
25 BULLET, BUT YOU ALSO MAY BE FEELING DISAPPOINTED

1 THAT YOU WERE NOT SELECTED IN WHAT SHOULD BE AN
2 INTERESTING CASE.

3 BUT I WANT TO THANK YOU SO MUCH FOR YOUR
4 PATIENCE AND FOR YOUR SERVICE THE ENTIRE DAY, AND
5 I'M GOING TO EXCUSE YOU NOW.

6 IF YOU WOULD PLEASE JUST GO TO THE SECOND
7 FLOOR AND CHECK IN WITH MR. YOUNGER.

8 THE CLERK: THEY HAVE THINGS UP HERE.

9 THE COURT: I'M SORRY. PLEASE GO AHEAD
10 AND COME AND TAKE YOUR BELONGINGS.

11 THANK YOU SO MUCH FOR YOUR PATIENCE AND
12 FOR YOUR SERVICE TODAY. THANK YOU ALL.

13 (PROSPECTIVE JURORS NO LONGER PRESENT.)

14 THE COURT: ALL RIGHT. CAN YOU HAND OUT
15 THE JURY NOTEBOOKS, PLEASE.

16 MR. THORPE, ARE THERE ANY MORE JACKETS,
17 PURSES?

18 THE CLERK: YOUR HONOR, CAN THE PEOPLE
19 FROM THE OVERFLOW MOVE IN?

20 THE COURT: YEAH, THEY CAN COME ON IN.

21 (PAUSE IN PROCEEDINGS.)

22 THE COURT: ALL RIGHT. THANK YOU AGAIN
23 FOR YOUR WILLINGNESS TO SERVE.

24 WE ARE GOING TO MAKE VERY GOOD USE OF
25 YOUR TIME AND TRY TO BE AS EFFICIENT AS POSSIBLE SO

1 WE DON'T WASTE YOUR TIME.

2 WHAT I'M GOING TO DO NOW IS I'M GOING TO
3 READ THE PRELIMINARY JURY INSTRUCTIONS. THEY ARE
4 IN YOUR JUROR NOTEBOOKS. IF YOU'LL LOOK AT THE
5 THIRD TAB, IT SAYS PRELIMINARY JURY INSTRUCTIONS.

6 AND EVEN THOUGH THEY ARE IN PRINT BEFORE
7 YOU, I DO HAVE TO READ THEM TO YOU, SO YOU CAN
8 FOLLOW ALONG IF THAT'S HELPFUL AT ALL. WE'LL START
9 WITH NUMBER ONE, THE DUTY OF THE JURY.

10 LADIES AND GENTLEMEN, YOU ARE NOW THE
11 JURY IN THIS CASE. IT IS MY DUTY TO INSTRUCT YOU
12 ON THE LAW. THESE INSTRUCTIONS ARE PRELIMINARY
13 INSTRUCTIONS TO HELP YOU UNDERSTAND THE PRINCIPLES
14 THAT APPLY TO CIVIL TRIALS AND TO HELP YOU
15 UNDERSTAND THE EVIDENCE AS YOU LISTEN TO IT.

16 YOU WILL BE ALLOWED TO KEEP THIS SET
17 THROUGHOUT THE TRIAL TO WHICH TO REFER.

18 THIS SET OF INSTRUCTIONS IS NOT TO BE
19 TAKEN HOME AND MUST REMAIN IN THE JURY ROOM WHEN
20 YOU LEAVE IN THE EVENINGS.

21 AT THE END OF THE TRIAL, I WILL GIVE YOU
22 A FINAL SET OF INSTRUCTIONS. IT IS THE FINAL SET
23 OF INSTRUCTIONS THAT WILL GOVERN YOUR
24 DELIBERATIONS.

25 ALSO, WHEN YOU LEAVE FOR ANY BREAKS OR

1 LUNCH, PLEASE LEAVE THE JURY NOTEBOOKS IN THE JURY
2 ROOM.

3 YOU MUST NOT INFER FROM THESE
4 INSTRUCTIONS OR FROM ANYTHING I MAY SAY OR DO AS
5 INDICATING THAT I HAVE AN OPINION REGARDING THE
6 EVIDENCE OR WHAT YOUR VERDICT SHOULD BE.

7 IT IS YOUR DUTY TO FIND THE FACTS FROM
8 ALL THE EVIDENCE IN THE CASE. TO THOSE FACTS YOU
9 WILL APPLY THE LAW AS I GIVE IT TO YOU.

10 YOU MUST FOLLOW THE LAW AS I GIVE IT TO
11 YOU, WHETHER YOU AGREE WITH IT OR NOT. AND YOU
12 MUST NOT BE INFLUENCED BY ANY PERSONAL LIKES OR
13 DISLIKES, OPINIONS, PREJUDICES, OR SYMPATHY.

14 THAT MEANS THAT YOU MUST DECIDE THE CASE
15 SOLELY ON THE EVIDENCE BEFORE YOU. YOU WILL RECALL
16 THAT YOU TOOK AN OATH TO DO SO.

17 IN FOLLOWING MY INSTRUCTIONS, YOU MUST
18 FOLLOW ALL OF THEM AND NOT SINGLE ONE -- SINGLE OUT
19 SOME AND IGNORE OTHERS. THEY ARE ALL IMPORTANT.

20 THE EVIDENCE YOU ARE TO CONSIDER IN
21 DECIDING WHAT THE FACTS ARE CONSISTS OF THE SWORN
22 TESTIMONY OF ANY WITNESS; THE EXHIBITS WHICH ARE
23 RECEIVED INTO EVIDENCE; AND ANY FACTS TO WHICH THE
24 LAWYERS HAVE AGREED.

25 IN REACHING YOUR VERDICT, YOU MAY

1 CONSIDER ONLY THE TESTIMONY AND EXHIBITS RECEIVED
2 INTO EVIDENCE. CERTAIN THINGS ARE NOT EVIDENCE AND
3 YOU MAY NOT CONSIDER THEM IN DECIDING WHAT THE
4 FACTS ARE. I WILL LIST THEM FOR YOU.

5 ARGUMENTS AND STATEMENTS BY LAWYERS ARE
6 NOT EVIDENCE. THE LAWYERS ARE NOT WITNESSES. WHAT
7 THEY HAVE SAID IN THEIR -- OR WHAT THEY WILL SAY IN
8 THEIR OPENING STATEMENTS TOMORROW, WILL SAY IN
9 THEIR CLOSING ARGUMENTS AT THE END OF THE CASE AND
10 AT OTHER TIMES IS INTENDED TO HELP YOU INTERPRET
11 THE EVIDENCE, BUT IT IS NOT EVIDENCE. IF THE FACTS
12 AS YOU REMEMBER THEM DIFFER FROM THE WAY THE
13 LAWYERS HAVE STATED THEM, YOUR MEMORY OF THEM
14 CONTROLS.

15 QUESTIONS AND OBJECTIONS BY LAWYERS ARE
16 NOT EVIDENCE. ATTORNEYS HAVE A DUTY TO THEIR
17 CLIENTS TO OBJECT WHEN THEY BELIEVE A QUESTION IS
18 IMPROPER UNDER THE RULES OF EVIDENCE. YOU SHOULD
19 NOT BE INFLUENCED BY THE OBJECTION OR BY THE
20 COURT'S RULING ON IT.

21 TESTIMONY THAT HAS BEEN EXCLUDED OR
22 STRICKEN OR THAT YOU HAVE BEEN INSTRUCTED TO
23 DISREGARD IS NOT EVIDENCE AND MUST NOT BE
24 CONSIDERED.

25 IN ADDITION, SOMETIMES TESTIMONY AND

1 EXHIBITS ARE RECEIVED ONLY FOR A LIMITED PURPOSE.
2 WHEN I GIVE YOU A LIMITING INSTRUCTION, YOU MUST
3 FOLLOW IT.

4 ANYTHING YOU MAY HAVE SEEN OR HEARD WHEN
5 THE COURT WAS NOT IN SESSION IS NOT EVIDENCE. YOU
6 ARE TO DECIDE THE CASE SOLELY ON THE EVIDENCE
7 RECEIVED AT THE TRIAL.

8 SOME EVIDENCE MAY BE ADMITTED FOR A
9 LIMITED PURPOSE. WHEN I INSTRUCT YOU THAT AN ITEM
10 OF EVIDENCE HAS BEEN ADMITTED FOR A LIMITED
11 PURPOSE, YOU MUST CONSIDER IT ONLY FOR THAT LIMITED
12 PURPOSE AND FOR NO OTHER.

13 EVIDENCE MAY BE DIRECT OR CIRCUMSTANTIAL.
14 DIRECT EVIDENCE IS DIRECT PROOF OF A FACT, SUCH AS
15 TESTIMONY BY A WITNESS ABOUT WHAT THAT WITNESS
16 PERSONALLY SAW OR HEARD OR DID.

17 CIRCUMSTANTIAL EVIDENCE IS PROOF OF ONE
18 OR MORE FACTS FROM WHICH YOU COULD FIND ANOTHER
19 FACT.

20 YOU SHOULD CONSIDER BOTH KINDS OF
21 EVIDENCE. THE LAW MAKES NO DISTINCTION BETWEEN THE
22 WEIGHT TO BE GIVEN TO EITHER DIRECT OR
23 CIRCUMSTANTIAL EVIDENCE. IT IS FOR TO YOU DECIDE
24 HOW MUCH WEIGHT TO GIVE TO ANY EVIDENCE.

25 THERE ARE RULES OF EVIDENCE THAT CONTROL

1 WHAT CAN BE RECEIVED INTO EVIDENCE. WHEN A LAWYER
2 ASKS A QUESTION OR OFFERS AN EXHIBIT INTO EVIDENCE
3 AND A LAWYER ON THE OTHER SIDE THINKS THAT IT IS
4 NOT PERMITTED BY THE RULES OF EVIDENCE, THAT LAWYER
5 MAY OBJECT.

6 IF I OVERRULE THE OBJECTION, THE QUESTION
7 MAY BE ANSWERED OR THE EXHIBIT RECEIVED.

8 IF I SUSTAIN THE OBJECTION, THE QUESTION
9 CANNOT BE ANSWERED AND THE EXHIBIT CANNOT BE
10 RECEIVED.

11 WHENEVER I SUSTAIN AN OBJECTION TO A
12 QUESTION, YOU MUST IGNORE THE QUESTION AND MUST NOT
13 GUESS WHAT THE ANSWER MIGHT HAVE BEEN.

14 SOMETIMES I MAY ORDER THAT EVIDENCE BE
15 STRICKEN FROM THE RECORD AND THAT YOU DISREGARD OR
16 IGNORE THE EVIDENCE. THAT MEANS THAT WHEN YOU ARE
17 DECIDING THE CASE, YOU MUST NOT CONSIDER THE
18 EVIDENCE THAT I TOLD YOU TO DISREGARD.

19 IN DECIDING THE FACTS IN THIS CASE, YOU
20 MAY HAVE TO DECIDE WHICH TESTIMONY TO BELIEVE AND
21 WHICH TESTIMONY NOT TO BELIEVE. YOU MAY BELIEVE
22 EVERYTHING A WITNESS SAYS, OR PART OF IT, OR NONE
23 OF IT. PROOF OF A FACT DOES NOT NECESSARILY DEPEND
24 ON THE NUMBER OF WITNESSES WHO TESTIFY ABOUT IT.

25 IN CONSIDERING THE TESTIMONY OF ANY

1 WITNESS, YOU MAY TAKE INTO ACCOUNT:

2 THE OPPORTUNITY AND ABILITY OF THE
3 WITNESS TO SEE OR HEAR OR KNOW THE THINGS TESTIFIED
4 TO;

5 THE WITNESS'S MEMORY;

6 THE WITNESS'S MANNER WHILE TESTIFYING;

7 THE WITNESS'S INTEREST IN THE OUTCOME OF
8 THE CASE AND ANY BIAS OR PREJUDICE;

9 WHETHER OTHER EVIDENCE CONTRADICTED THE
10 WITNESS'S TESTIMONY;

11 THE REASONABLENESS OF THE WITNESS'S
12 TESTIMONY IN LIGHT OF ALL THE EVIDENCE; AND

13 ANY OTHER FACTORS THAT BEAR ON
14 BELIEVABILITY.

15 THE WEIGHT OF THE EVIDENCE AS TO A FACT
16 DOES NOT NECESSARILY DEPEND ON THE NUMBER OF
17 WITNESSES WHO TESTIFY ABOUT IT.

18 THE EVIDENCE THAT A WITNESS LIED UNDER
19 OATH OR GAVE DIFFERENT TESTIMONY ON A PRIOR
20 OCCASION MAY BE CONSIDERED, ALONG WITH ALL OTHER
21 EVIDENCE, IN DECIDING WHETHER OR NOT TO BELIEVE THE
22 WITNESS AND HOW MUCH WEIGHT TO GIVE THE TESTIMONY
23 OF THE WITNESS AND FOR NO OTHER PURPOSE.

24 I WILL NOW SAY A FEW WORDS ABOUT YOUR
25 CONDUCT AS JURORS.

1 FIRST, KEEP AN OPEN MIND THROUGHOUT THE
2 TRIAL AND DO NOT DECIDE WHAT THE VERDICT SHOULD BE
3 UNTIL YOU AND YOUR FELLOW JURORS HAVE COMPLETED
4 YOUR DELIBERATIONS AT THE END OF THE CASE.

5 SECOND, BEFORE YOU MUST DECIDE THIS
6 CASE -- BECAUSE -- EXCUSE ME -- BECAUSE YOU MUST
7 DECIDE THIS CASE BASED ONLY ON THE EVIDENCE
8 RECEIVED IN THE CASE AND ON MY INSTRUCTIONS AS TO
9 THE LAW THAT APPLIES, YOU MUST NOT BE EXPOSED TO
10 ANY OTHER INFORMATION ABOUT THE CASE OR TO THE
11 ISSUES IT INVOLVES DURING THE COURSE OF YOUR JURY
12 DUTY.

13 THUS, UNTIL THE END OF THE CASE OR UNTIL
14 I TELL YOU OTHERWISE, DO NOT COMMUNICATE WITH
15 ANYONE IN ANY WAY AND DO NOT LET ANYONE ELSE
16 COMMUNICATE WITH YOU IN ANY WAY ABOUT THE MERITS OF
17 THE CASE OR ANYTHING TO DO WITH IT.

18 THIS INCLUDES DISCUSSING THE CASE IN
19 PERSON, IN WRITING, BY PHONE OR ELECTRONIC MEANS
20 VIA E-MAIL, TEXT MESSAGES, OR ANY INTERNET CHAT
21 ROOM, BLOG, WEBSITE OR OTHER FEATURE.

22 THIS APPLIES TO COMMUNICATING WITH YOUR
23 FELLOW JURORS UNTIL I GIVE YOU THE CASE FOR
24 DELIBERATION, AND IT APPLIES TO COMMUNICATING WITH
25 EVERYONE ELSE, INCLUDING YOUR FAMILY MEMBERS, YOUR

1 EMPLOYER, AND THE PEOPLE INVOLVED IN THE TRIAL,
2 ALTHOUGH YOU MAY NOTIFY YOUR FAMILY AND YOUR
3 EMPLOYER THAT YOU HAVE BEEN SEATED AS A JUROR IN
4 THIS CASE.

5 BUT, IF YOU ARE ASKED OR APPROACHED IN
6 ANY WAY ABOUT YOUR JURY SERVICE OR ANYTHING ABOUT
7 THIS CASE, YOU MUST RESPOND THAT YOU HAVE BEEN
8 ORDERED NOT TO DISCUSS -- NOT TO DISCUSS THE MATTER
9 AND TO REPORT THE CONTACT TO THE COURT.

10 BECAUSE YOU WILL RECEIVE ALL THE EVIDENCE
11 AND THE LEGAL INSTRUCTION YOU PROPERLY MAY CONSIDER
12 TO RETURN A VERDICT, DO NOT READ, WATCH, OR LISTEN
13 TO ANY NEWS OR MEDIA ACCOUNTS OR COMMENTARY ABOUT
14 THE CASE OR ANYTHING DO WITH IT; DO NOT DO ANY
15 RESEARCH, SUCH AS CONSULTING DICTIONARIES,
16 SEARCHING THE INTERNET, OR USING OTHER REFERENCE
17 MATERIALS; AND DO NOT MAKE ANY INVESTIGATION OR IN
18 ANY OTHER WAY TRY TO LEARN ABOUT THE CASE ON YOUR
19 OWN.

20 THE LAW REQUIRES THESE RESTRICTIONS TO
21 ENSURE THE PARTIES HAVE A FAIR TRIAL BASED ON THE
22 SAME EVIDENCE THAT EACH PARTY HAS HAD AN
23 OPPORTUNITY TO ADDRESS.

24 A JUROR WHO VIOLATES THESE RESTRICTIONS
25 JEOPARDIZES THE FAIRNESS OF THESE PROCEEDINGS, AND

1 A MISTRIAL COULD RESULT THAT WOULD REQUIRE THE
2 ENTIRE TRIAL PROCESS TO START OVER.

3 IF ANY JUROR IS EXPOSED TO ANY OUTSIDE
4 INFORMATION, PLEASE NOTIFY THE COURT IMMEDIATELY.

5 DURING DELIBERATIONS, YOU WILL HAVE TO
6 MAKE YOUR DECISION BASED ON WHAT YOU RECALL OF THE
7 EVIDENCE. YOU WILL NOT HAVE A TRANSCRIPT OF THE
8 TRIAL. I URGE YOU TO PAY CLOSE ATTENTION TO THE
9 TESTIMONY AS IT IS GIVEN.

10 IF AT ANY TIME YOU CANNOT HEAR OR SEE THE
11 TESTIMONY, EVIDENCE, QUESTIONS, OR ARGUMENTS, LET
12 ME KNOW SO THAT I CAN CORRECT THE PROBLEM.

13 IF YOU WISH, YOU MAY TAKE NOTES TO HELP
14 YOU REMEMBER THE EVIDENCE. IF YOU DO TAKE NOTES,
15 PLEASE KEEP THEM TO YOURSELF UNTIL YOU AND YOUR
16 FELLOW JURORS GO TO THE JURY ROOM TO DECIDE THE
17 CASE. DO NOT LET NOTE TAKING DISTRACT YOU.

18 WHEN YOU LEAVE, YOUR NOTES SHOULD BE LEFT
19 IN THE JURY ROOM. NO ONE WILL READ YOUR NOTES.
20 THEY WILL BE DESTROYED AT THE CONCLUSION OF THE
21 CASE.

22 WHETHER OR NOT YOU TAKE NOTES, YOU SHOULD
23 RELY ON YOUR OWN MEMORY OF THE EVIDENCE. NOTES ARE
24 ONLY TO ASSIST YOUR MEMORY. YOU SHOULD NOT BE
25 OVERLY INFLUENCED BY YOUR NOTES OR THOSE OF YOUR

1 FELLOW JURORS.

2 THE PARTIES HAVE AGREED TO CERTAIN FACTS
3 THAT WILL BE READ TO YOU. YOU SHOULD, THEREFORE,
4 TREAT THESE FACTS AS HAVING BEEN PROVED.

5 A DEPOSITION IS THE SWORN TESTIMONY OF A
6 WITNESS TAKEN BEFORE TRIAL. THE WITNESS IS PLACED
7 UNDER OATH TO TELL THE TRUTH AND LAWYERS FOR EACH
8 PARTY MAY ASK QUESTIONS. THE QUESTIONS AND ANSWERS
9 ARE RECORDED.

10 YOU SHOULD CONSIDER DEPOSITION TESTIMONY,
11 PRESENTED TO YOU IN COURT IN LIEU OF LIVE
12 TESTIMONY, INSOFAR AS POSSIBLE, IN THE SAME WAY AS
13 IF THE WITNESS HAD BEEN PRESENT TO TESTIFY.

14 EVIDENCE MAY BE PRESENTED TO YOU IN THE
15 FORM OF ANSWERS OF ONE OF THE PARTIES TO WRITTEN
16 INTERROGATORIES SUBMITTED BY THE OTHER SIDE. THESE
17 ANSWERS WERE GIVEN IN WRITING AND UNDER OATH BEFORE
18 THE ACTUAL TRIAL IN RESPONSE TO QUESTIONS THAT WERE
19 SUBMITTED IN WRITING UNDER ESTABLISHED COURT
20 PROCEDURES. YOU SHOULD CONSIDER THE ANSWERS,
21 INSOFAR AS POSSIBLE, IN THE SAME WAY AS IF THEY
22 WERE MADE FROM THE WITNESS STAND.

23 SOME WITNESSES, BECAUSE OF EDUCATION OR
24 EXPERIENCE, ARE PERMITTED TO STATE OPINIONS AND THE
25 REASONS FOR THOSE OPINIONS.

1 OPINION TESTIMONY SHOULD BE JUDGED JUST
2 LIKE ANY OTHER TESTIMONY. YOU MAY ACCEPT IT OR
3 REJECT IT, AND GIVE IT AS MUCH WEIGHT AS YOU THINK
4 IT DESERVES, CONSIDERING THE WITNESS'S EDUCATION
5 AND EXPERIENCE, THE REASONS GIVEN FOR THE OPINION,
6 AND ALL THE OTHER EVIDENCE IN THE CASE.

7 LANGUAGES OTHER THAN ENGLISH MAY BE USED
8 DURING THIS TRIAL. WITNESSES WHO DO NOT SPEAK
9 ENGLISH OR ARE MORE PROFICIENT IN ANOTHER LANGUAGE
10 TESTIFY THROUGH AN OFFICIAL COURT INTERPRETER.

11 ALTHOUGH SOME OF YOU MAY KNOW KOREAN OR
12 JAPANESE, IT IS IMPORTANT THAT ALL JURORS CONSIDER
13 THE SAME EVIDENCE. THEREFORE, YOU MUST ACCEPT THE
14 INTERPRETER'S TRANSLATION OF THE WITNESS'S
15 TESTIMONY. YOU MUST DISREGARD ANY DIFFERENT
16 MEANING.

17 YOU MUST NOT MAKE ANY ASSUMPTIONS ABOUT A
18 WITNESS OR A PARTY BASED SOLELY UPON THE USE OF AN
19 INTERPRETER TO ASSIST THAT WITNESS OR PARTY.

20 FROM TIME TO TIME DURING THE TRIAL, IT
21 MAY BECOME NECESSARY FOR ME TO TALK WITH THE
22 ATTORNEYS OUT OF THE HEARING OF THE JURY, EITHER BY
23 HAVING A CONFERENCE AT THE BENCH WHEN THE JURY IS
24 PRESENT IN THE COURTROOM, OR BY CALLING A RECESS.

25 PLEASE UNDERSTAND THAT WHILE YOU ARE

1 WAITING, WE ARE WORKING.

2 THE PURPOSE OF THESE CONFERENCES IS NOT
3 TO KEEP RELEVANT INFORMATION FROM YOU, BUT TO
4 DECIDE HOW CERTAIN EVIDENCE IS TO BE TREATED UNDER
5 THE RULES OF EVIDENCE AND TO AVOID CONFUSION AND
6 ERROR.

7 OF COURSE WE WILL DO WHAT WE CAN TO KEEP
8 THE NUMBER AND LENGTH OF THESE CONFERENCES TO A
9 MINIMUM.

10 I MAY NOT ALWAYS GRANT AN ATTORNEY'S
11 REQUEST FOR A CONFERENCE. DO NOT CONSIDER MY
12 GRANTING OR DENYING A REQUEST FOR A CONFERENCE AS
13 ANY INDICATION OF MY OPINION OF THE CASE OR OF WHAT
14 YOUR VERDICT SHOULD BE.

15 THIS CASE INVOLVES DISPUTES RELATING TO
16 UNITED STATES UTILITY AND DESIGN PATENTS. BEFORE
17 SUMMARIZING THE POSITIONS OF THE PARTIES AND THE
18 LEGAL ISSUES INVOLVED IN THE DISPUTE, LET ME TAKE A
19 MOMENT TO EXPLAIN WHAT PATENTS ARE AND HOW THEY ARE
20 OBTAINED.

21 PATENTS ARE GRANTED BY THE UNITED STATES
22 PATENT AND TRADEMARK OFFICE, SOMETIMES CALLED THE
23 "PTO."

24 THERE ARE TWO TYPES OF BASIC PATENTS IN
25 THE UNITED STATES: UTILITY PATENTS AND DESIGN

1 PATENTS .

2 IN GENERAL TERMS, A "UTILITY PATENT"
3 PROTECTS THE WAY AN ARTICLE IS USED AND WORKS. IT
4 ALSO PROTECTS A METHOD OR PROCESS OF MAKING OR
5 DOING SOMETHING.

6 ON THE OTHER HAND, A "DESIGN PATENT"
7 PROTECTS THE WAY AN ART LOOKS. A DESIGN PATENT
8 PROTECTS THE ORNAMENTAL DESIGN OF AN ARTICLE OF
9 MANUFACTURE. ORNAMENTAL DESIGN MEANS THE SHAPE OF
10 THE DESIGN AND/OR THE SURFACE DECORATION ON THE
11 DESIGN.

12 A VALID UNITED STATES PATENT GIVES THE
13 PATENT OWNER THE RIGHT TO PREVENT OTHERS FROM
14 MAKING, USING, OFFERING TO SELL, OR SELLING THE
15 PATENTED INVENTION WITHIN THE UNITED STATES, OR
16 FROM IMPORTING IT INTO THE UNITED STATES, DURING
17 THE TERM OF THE PATENT WITHOUT THE PATENT HOLDER'S
18 PERMISSION.

19 A VIOLATION OF THE PATENT OWNER'S RIGHTS
20 IS CALLED INFRINGEMENT. THE PATENT OWNER MAY TRY
21 TO ENFORCE A PATENT AGAINST PERSONS BELIEVED TO BE
22 INFRINGERS BY A LAWSUIT FILED IN FEDERAL COURT.

23 A PATENT INCLUDES WHAT IS CALLED A
24 "SPECIFICATION." FOR A UTILITY PATENT, THE
25 SPECIFICATION MUST CONTAIN A WRITTEN DESCRIPTION OF

1 THE CLAIMED INVENTION TELLING WHAT THE INVENTION
2 IS, HOW IT WORKS, HOW TO MAKE IT, AND HOW TO USE IT
3 SO OTHERS SKILLED IN THE FIELD WILL KNOW HOW TO
4 MAKE OR USE IT.

5 THE SPECIFICATION CONCLUDES WITH ONE OR
6 MORE NUMBERED SENTENCES. THESE ARE THE PATENT
7 "CLAIMS."

8 WHEN THE PATENT IS EVENTUALLY GRANTED BY
9 THE PTO, THE CLAIMS DEFINE THE BOUNDARIES OF ITS
10 PROTECTION AND GIVE NOTICE TO THE PUBLIC OF THOSE
11 BOUNDARIES.

12 FOR A DESIGN PATENT, THE SPECIFICATION
13 MUST CONTAIN ONE OR MORE DRAWINGS OF THE DESIGNS,
14 AS WELL AS A DESCRIPTION OF THE DRAWINGS, AND IT
15 SERVES AS A SINGLE CLAIM. THE "CLAIM" FOR DESIGN
16 PATENTS GENERALLY REFERS TO THE DRAWINGS AND HOW
17 THEY ARE DESCRIBED.

18 THE PROCESS OF OBTAINING A PATENT IS
19 CALLED PATENT PROSECUTION. TO OBTAIN A PATENT, ONE
20 MUST FILE AN APPLICATION WITH THE PTO. THE PTO IS
21 AN AGENCY OF THE FEDERAL GOVERNMENT AND EMPLOYS
22 TRAINED EXAMINERS WHO REVIEW APPLICATIONS FOR
23 PATENTS.

24 AFTER THE APPLICANT FILES THE
25 APPLICATION, A PTO EXAMINER REVIEWS THE PATENT

1 APPLICATION TO DETERMINE WHETHER THE CLAIMS ARE
2 PATENTABLE AND WHETHER THE SPECIFICATION ADEQUATELY
3 DESCRIBES THE INVENTION CLAIMED.

4 IN EXAMINING A PATENT APPLICATION, THE
5 PATENT EXAMINER REVIEWS RECORDS AVAILABLE TO THE
6 PTO FOR WHAT IS REFERRED TO AS "PRIOR ART."

7 THE EXAMINER ALSO WILL REVIEW PRIOR ART
8 IF IT IS SUBMITTED TO THE PTO BY THE APPLICANT.

9 PRIOR ART IS DEFINED BY LAW, AND I WILL
10 GIVE YOU AT A LATER TIME SPECIFIC INSTRUCTIONS AS
11 TO WHAT CONSTITUTES PRIOR ART.

12 HOWEVER, IN GENERAL, PRIOR ART INCLUDES
13 THINGS THAT EXISTED BEFORE THE CLAIMED INVENTION,
14 THAT WERE PUBLICLY KNOWN, OR USED IN A PUBLICLY
15 ACCESSIBLE WAY IN THIS COUNTRY, OR THAT WERE
16 PATENTED OR DESCRIBED IN A PUBLICATION IN ANY
17 COUNTRY.

18 THE EXAMINER CONSIDERS, AMONG OTHER
19 THINGS, WHETHER EACH CLAIM DEFINES AN INVENTION
20 THAT IS NEW, USEFUL, AND NOT OBVIOUS IN VIEW OF THE
21 PRIOR ART. A PATENT LISTS THE PRIOR ART THAT THE
22 EXAMINER CONSIDERED; THIS LIST IS CALLED THE "CITED
23 REFERENCES."

24 AFTER THE PRIOR ART SEARCH AND
25 EXAMINATION OF THE APPLICATION, THE PATENT EXAMINER

1 THEN INFORMS THE APPLICANT IN WRITING WHAT THE
2 EXAMINER HAS FOUND AND WHETHER ANY CLAIM IS
3 PATENTABLE, AND THUS WILL BE "ALLOWED." THIS
4 WRITING FROM THE PATENT EXAMINER IS CALLED AN
5 "OFFICE ACTION."

6 IF THE EXAMINER REJECTS THE CLAIMS, THE
7 APPLICANT THEN RESPONDS AND SOMETIMES CHANGES THE
8 CLAIMS OR SUBMITS NEW CLAIMS.

9 THIS PROCESS, WHICH TAKES PLACE ONLY
10 BETWEEN THE EXAMINER AND THE PATENT APPLICANT, MAY
11 GO BACK AND FORTH FOR SOME TIME UNTIL THE EXAMINER
12 IS SATISFIED THAT THE APPLICATION AND CLAIMS MEET
13 THE REQUIREMENTS FOR A PATENT. THE PAPERS
14 GENERATED DURING THIS TIME OF COMMUNICATION BACK
15 AND FORTH BETWEEN THE PATENT EXAMINER AND THE
16 APPLICANT MAKE UP WHAT IS CALLED THE "PROSECUTION
17 HISTORY."

18 ALL OF THIS MATERIAL BECOMES AVAILABLE TO
19 THE PUBLIC NO LATER THAN THE DATE WHEN THE PATENT
20 ISSUES.

21 THE FACT THAT THE PTO GRANTS A PATENT
22 DOES NOT NECESSARILY MEAN THAT ANY INVENTION
23 CLAIMED IN THE PATENT, IN FACT, DESERVES THE
24 PROTECT OF A PATENT. FOR EXAMPLE, THE PTO MAY NOT
25 HAVE HAD AVAILABLE TO IT ALL THE INFORMATION THAT

1 WILL BE PRESENTED TO YOU.

2 A PERSON ACCUSED OF INFRINGEMENT HAS THE
3 RIGHT TO ARGUE HERE IN FEDERAL COURT THAT A CLAIMED
4 INVENTION IN THE PATENT IS INVALID BECAUSE IT DOES
5 NOT MEET THE REQUIREMENTS FOR A PATENT.

6 THERE ARE NINE UTILITY PATENTS ASSERTED
7 IN THIS CASE. APPLE ACCUSES SAMSUNG OF INFRINGING
8 UNITED STATES PATENT NUMBERS 7,469,381; 7,844,915;
9 AND 7,864,163. UTILITY PATENTS ARE OFTEN REFERRED
10 TO BY THEIR LAST THREE DIGITS, SO APPLE'S UTILITY
11 PATENTS MAY BE REFERRED TO IN THE SHORTHAND AS THE
12 '381, '915 AND '163 PATENTS.

13 SAMSUNG ACCUSES APPLE OF INFRINGING
14 UNITED STATES PATENT NUMBERS 7,675,941; 7,447,516;
15 7,698,711; 7,577,460; AND 7,456,893. SAMSUNG'S
16 UTILITY PATENTS MAY BE REFERRED TO IN SHORTHAND AS
17 THE '941; THE '516; THE '711, THE '460, AND THE
18 '893 PATENTS.

19 THERE ARE FOUR DESIGN PATENTS ASSERTED IN
20 THIS CASE.

21 APPLE ACCUSES SAMSUNG OF INFRINGING FOUR
22 DESIGN PATENTS. THEY ARE UNITED STATES PATENT
23 NUMBERS D504,889, D593,087, D618,677, AND D604,305.

24 DESIGN PATENTS ARE OFTEN REFERRED TO BY
25 THEIR LAST THREE DIGITS, SO THE DESIGN PATENTS HERE

1 MAY BE REFERRED TO BY THEIR LAST THREE DIGITS, SO
2 THE DESIGN PATENTS HERE MAY BE REFERRED TO IN
3 SHORTHAND AS THE D'889, D'087, D'677, AND D'305
4 PATENTS.

5 TO HELP YOU FOLLOW THE EVIDENCE, I WILL
6 NOW GIVE YOU A SUMMARY OF THE POSITIONS OF THE
7 PARTIES WITH RESPECT TO THE PATENT CLAIMS.

8 THE PARTIES IN THIS CASE ARE APPLE,
9 INCORPORATED, WHICH WE WILL REFER TO AS "APPLE,"
10 AND SAMSUNG ELECTRONICS COMPANY LIMITED, SAMSUNG
11 ELECTRONICS AMERICA INCORPORATED, AND SAMSUNG
12 TELECOMMUNICATIONS AMERICA, A LIMITED LIABILITY
13 CORPORATION, LLC, WHICH I WILL REFER TO
14 COLLECTIVELY AS "SAMSUNG" UNLESS I THINK IT IS
15 IMPORTANT TO DISTINGUISH BETWEEN THESE ENTITIES FOR
16 THE PURPOSE OF A SPECIFIC INSTRUCTION.

17 YOU MUST DECIDE THE CASE AS TO SAMSUNG
18 ELECTRONICS COMPANY, SAMSUNG ELECTRONICS AMERICA,
19 AND SAMSUNG TELECOMMUNICATIONS AMERICA SEPARATELY
20 REGARDLESS OF WHETHER I REFER TO THEM COLLECTIVELY
21 AS "SAMSUNG" OR INDIVIDUALLY.

22 THE CASE INVOLVES THREE UNITED STATES
23 UTILITY PATENTS AND FOUR UNITED STATES DESIGN
24 PATENTS OWNED BY APPLE, AND FIVE UNITED STATES
25 UTILITY PATENTS OWNED BY SAMSUNG.

1 APPLE FILED THIS LAWSUIT AGAINST SAMSUNG
2 SEEKING MONEY DAMAGES FROM SAMSUNG FOR ALLEGEDLY
3 INFRINGING THE '381, '915, '163, D'889, D'087,
4 D'677, AND D'305 PATENTS BY MAKING, IMPORTING,
5 USING, SELLING AND/OR OFFERING FOR SALE THE TABLET
6 AND SMARTPHONE PRODUCTS THAT APPLE ARGUES ARE
7 COVERED BY CLAIM 19 OF THE '381 PATENT, CLAIM 8 OF
8 THE '915 PATENT, CLAIM 50 OF THE '163 PATENT, AND
9 THE D'889, D'087, D'677, AND D'305 PATENTS.

10 APPLE ALSO ARGUES THAT SAMSUNG'S KOREAN
11 PARENT, SAMSUNG ELECTRONICS COMPANY, ACTIVELY
12 INDUCED THE U.S. SAMSUNG ENTITIES, SAMSUNG
13 ELECTRONICS AMERICA, INC., AND SAMSUNG
14 TELECOMMUNICATIONS AMERICA LLC, TO INFRINGE.

15 APPLE CONTENDS THAT SAMSUNG'S
16 INFRINGEMENT HAS BEEN WILLFUL.

17 SAMSUNG DENIES THAT IT HAS INFRINGED THE
18 CLAIMS AND PATENTS AND ARGUES THAT, IN ADDITION,
19 THE CLAIMS ARE INVALID. INVALIDITY IS A DEFENSE TO
20 INFRINGEMENT.

21 SAMSUNG HAS ALSO BROUGHT CLAIMS AGAINST
22 APPLE FOR PATENT INFRINGEMENT. SAMSUNG SEEKS MONEY
23 DAMAGES FROM APPLE FOR ALLEGEDLY INFRINGING THE
24 '941, THE '516, '711, '460, AND '893 PATENTS BY
25 MAKING, IMPORTING, USING, SELLING AND/OR OFFERING

1 FOR SALE APPLE'S IPHONE, IPAD, AND IPOD PRODUCTS
2 THAT SAMSUNG ARGUES ARE COVERED BY CLAIMS 10 AND 15
3 OF THE '941 PATENT, CLAIMS 15 AND 16 OF THE '516
4 PATENT, CLAIM 9 OF THE '711 PATENT, CLAIM 1 OF THE
5 '460 PATENT, AND CLAIM 10 OF THE '893 PATENT.

6 SAMPLE ALSO CONTENDS THAT APPLE'S
7 INFRINGEMENT HAS BEEN WILLFUL.

8 APPLE DENIES THAT IT HAS INFRINGED THE
9 CLAIMS ASSERTED BY SAMSUNG AND ARGUES THAT THE
10 CLAIMS ASSERTED BY SAMSUNG ARE INVALID AND, FOR THE
11 '516 AND '941 PATENTS, ALSO UNENFORCEABLE.
12 INVALIDITY AND UNENFORCEABILITY ARE DEFENSES TO
13 INFRINGEMENT.

14 FOR EACH PARTY'S PATENT INFRINGEMENT
15 CLAIMS AGAINST THE OTHER, THE FIRST ISSUE YOU WILL
16 BE ASKED TO DECIDE IS WHETHER THE ALLEGED INFRINGER
17 HAS INFRINGED THE CLAIMS OF THE PATENT HOLDER'S
18 PATENTS AND WHETHER THOSE PATENTS ARE VALID.

19 IF YOU DECIDE THAT ANY CLAIM OF EITHER
20 PARTY'S PATENTS HAS BEEN INFRINGED AND IS NOT
21 INVALID, YOU WILL THEN NEED TO DECIDE ANY MONEY
22 DAMAGES TO BE AWARDED TO THE PATENT HOLDER TO
23 COMPENSATE IT FOR THE INFRINGEMENT.

24 YOU WILL ALSO NEED TO MAKE A FINDING AS
25 TO WHETHER THE INFRINGEMENT WAS WILLFUL. IF YOU

1 DECIDE THAT ANY INFRINGEMENT WAS WILLFUL, THAT
2 DECISION SHOULD NOT AFFECT ANY DAMAGES AWARD YOU
3 GIVE. I WILL TAKE WILLFULNESS INTO ACCOUNT LATER.

4 BEFORE YOU DECIDE WHETHER EITHER PARTY
5 HAS INFRINGED THE OTHER'S PATENTS, OR WHETHER THOSE
6 PATENTS ARE INVALID, YOU WILL NEED TO UNDERSTAND
7 THE PATENT CLAIMS.

8 AS I MENTIONED, THE PATENT CLAIMS FOR
9 UTILITY PATENTS ARE NUMBERED SENTENCES AT THE END
10 OF THE PATENT THAT DESCRIBE THE BOUNDARIES OF THE
11 PATENT'S PROTECTION. THE PATENT CLAIMS FOR DESIGN
12 PATENTS ARE THE DRAWINGS AND DESCRIPTIONS OF THE
13 DRAWINGS. IT IS MY JOB AS JUDGE TO EXPLAIN TO YOU
14 THE MEANING OF ANY LANGUAGE IN THE CLAIMS THAT
15 NEEDS INTERPRETATION.

16 I HAVE ALREADY DETERMINED THE MEANING OF
17 CERTAIN TERMS OF THE CLAIMS OF SOME OF THE PATENTS
18 AT ISSUE. YOU WILL BE ASKED TO APPLY MY
19 DEFINITIONS OF THESE TERMS IN THIS CASE.

20 HOWEVER, MY INTERPRETATION OF THE
21 LANGUAGE OF THE CLAIMS SHOULD NOT BE TAKEN AS AN
22 INDICATION THAT I HAVE A VIEW REGARDING ISSUES SUCH
23 AS INFRINGEMENT AND INVALIDITY. THOSE ISSUES ARE
24 YOURS TO DECIDE.

25 I WILL PROVIDE YOU WITH MORE DETAILED

1 INSTRUCTIONS ON THE MEANING OF THE CLAIMS BEFORE
2 YOU RETIRE TO DELIBERATE YOUR VERDICT.

3 JUST A FEW MORE INSTRUCTIONS.

4 THIS CASE ALSO INVOLVES DISPUTES RELATING
5 TO TRADE DRESS. APPLE SEEKS DAMAGES FROM SAMSUNG
6 FOR TRADE DRESS INFRINGEMENT AND TRADE DRESS
7 DILUTION. SAMSUNG DENIES THAT ITS PRODUCTS
8 INFRINGE OR DILUTE APPLE'S TRADE DRESS AND CONTENDS
9 THE TRADE DRESS IS INVALID.

10 TO HELP YOU UNDERSTAND THE EVIDENCE THAT
11 WILL BE PRESENTED IN THIS CASE, I WILL EXPLAIN WHAT
12 A TRADE DRESS IS, AND I WILL GIVE YOU A SUMMARY OF
13 THE POSITIONS OF THE PARTIES.

14 TRADE DRESS IS THE NON-FUNCTIONAL
15 PHYSICAL DETAIL AND DESIGN OF A PRODUCT, WHICH
16 IDENTIFIES THE PRODUCT'S SOURCE AND DISTINGUISHES
17 IT FROM THE PRODUCTS OF OTHERS. TRADE DRESS IS THE
18 PRODUCT'S TOTAL IMAGE AND OVERALL APPEARANCE, AND
19 MAY INCLUDE FEATURES SUCH AS SIZE, SHAPE, COLOR,
20 COLOR COMBINATIONS, TEXTURE, OR GRAPHICS.

21 IN OTHER WORDS, TRADE DRESS IS THE FORM
22 IN WHICH A PERSON PRESENTS A PRODUCT OR SERVICE TO
23 THE MARKET, ITS MANNER OF DISPLAY.

24 A TRADE DRESS IS NON-FUNCTIONAL IF, TAKEN
25 AS A WHOLE, THE COLLECTION OF TRADE DRESS ELEMENTS

1 IS NOT ESSENTIAL TO THE PRODUCT'S USE OR PURPOSE OR
2 DOES NOT AFFECT THE TOTAL COST OR QUALITY OF THE
3 PRODUCT EVEN THOUGH CERTAIN PARTICULAR ELEMENTS OF
4 THE TRADE DRESS MAY BE FUNCTIONAL.

5 TRADE DRESS CONCERNS THE OVERALL VISUAL
6 IMPRESSION CREATED IN THE CONSUMER'S MIND --
7 CREATED IN THE CONSUMER'S MIND WHEN VIEWING THE
8 NON-FUNCTIONAL ASPECTS OF THE PRODUCT AND NOT FROM
9 THE UTILITARIAN OR USEFUL ASPECTS OF THE PRODUCT.

10 IN CONSIDERING THE IMPACT OF THESE
11 NON-FUNCTIONAL ASPECTS, WHICH ARE OFTEN A COMPLEX
12 COMBINATION OF MANY FEATURES, YOU MUST CONSIDER THE
13 APPEARANCE OF FEATURES TOGETHER, RATHER THAN
14 SEPARATELY.

15 A PERSON ACQUIRES THE RIGHT TO EXCLUDE
16 OTHERS FROM USING A TRADE DRESS BY BEING THE FIRST
17 TO USE IT IN THE MARKETPLACE, OR BY USING IT BEFORE
18 THE ALLEGED INFRINGER.

19 THE OWNER OF A VALID TRADE DRESS HAS THE
20 RIGHT TO PREVENT OTHERS FROM "DILUTING" OR
21 "INFRINGING" IT. "DILUTION" REFERS TO REDUCING THE
22 CAPACITY OF THE FAMOUS TRADE DRESS TO IDENTIFY AND
23 DISTINGUISH PRODUCTS OR SERVICES. "INFRINGEMENT"
24 REFERS TO ANOTHER COMPANY'S USE SIMILAR TO THE
25 OWNER'S TRADE DRESS THAT IS LIKELY TO CAUSE

1 CONFUSION IN THE MARKETPLACE. RIGHTS IN TRADE
2 DRESS ARE OBTAINED ONLY THROUGH COMMERCIAL USE OF A
3 TRADE DRESS.

4 APPLE ACCUSES SAMSUNG OF DILUTING APPLE'S
5 REGISTERED TRADE DRESS NUMBER 3,470,983. THIS
6 TRADE DRESS RELATES TO THE IPHONE.

7 APPLE ALSO ACCUSES SAMSUNG OF DILUTING
8 TWO UNREGISTERED TRADE DRESSES RELATED TO THE
9 IPHONE.

10 FINALLY, APPLE CLAIMS THAT SAMSUNG HAS
11 DILUTED AND INFRINGED ITS UNREGISTERED TRADE DRESS
12 RELATING TO THE IPAD.

13 FOR EACH OF APPLE'S TRADE DRESS DILUTION
14 AND INFRINGEMENT CLAIMS, THE FIRST ISSUE YOU WILL
15 HAVE TO DECIDE IS WHETHER THE APPLE TRADE DRESS IS
16 PROTECTABLE. AN ASSERTED TRADE DRESS IS ONLY
17 PROTECTABLE IF THE TRADE DRESS AS A WHOLE IS BOTH
18 DISTINCTIVE AND NON-FUNCTIONAL.

19 FOR APPLE'S DILUTION CLAIMS, THE NEXT
20 ISSUES YOU WILL DECIDE ARE WHETHER APPLE'S TRADE
21 DRESS WAS FAMOUS BEFORE SAMSUNG STARTED SELLING ITS
22 ACCUSED PRODUCTS, AND WHETHER SAMSUNG'S ACCUSED
23 PRODUCTS ARE LIKELY TO CAUSE DILUTION OF THE
24 ASSERTED APPLE TRADE DRESSES.

25 APPLE'S TRADE DRESS INFRINGEMENT CLAIM

1 WILL REQUIRE YOU TO RESOLVE DIFFERENT ISSUES. YOU
2 WILL NEED TO DETERMINE WHETHER APPLE'S TRADE DRESS
3 HAD ACQUIRED DISTINCTIVENESS BEFORE SAMSUNG STARTED
4 SELLING ITS ACCUSED PRODUCTS AND WHETHER SAMSUNG'S
5 ACCUSED PRODUCTS ARE LIKELY TO CAUSE CONFUSION
6 ABOUT THE SOURCE OF APPLE'S OR SAMSUNG'S GOODS.

7 IF YOU DECIDE THAT ANY PROTECTABLE APPLE
8 TRADE DRESS HAS BEEN INFRINGED OR WILLFULLY DILUTED
9 BY SAMSUNG, YOU WILL THEN NEED TO DECIDE THE MONEY
10 DAMAGES TO BE AWARDED TO APPLE.

11 SAMSUNG DENIES THAT IT HAS INFRINGED OR
12 DILUTED ANY APPLE TRADE DRESS AND ARGUES THAT EACH
13 ASSERTED TRADE DRESS IS NOT PROTECTABLE.

14 IF A TRADE DRESS IS NOT PROTECTABLE, THAT
15 IS A DEFENSE TO INFRINGEMENT AND DILUTION.

16 I WILL GIVE YOU MORE DETAILED
17 INSTRUCTIONS ON ALL OF THESE ISSUES AT THE
18 CONCLUSION OF THE CASE.

19 ALL RIGHT. LAST TWO INSTRUCTIONS.

20 APPLE HAS ALSO BROUGHT COUNTERCLAIMS
21 AGAINST SAMSUNG WITH RESPECT TO TWO PATENTS THAT
22 SAMSUNG DECLARED TO AN INTERNATIONAL STANDARD
23 SETTING ORGANIZE CALLED THE EUROPEAN
24 TELECOMMUNICATION STANDARDS INSTITUTE, "ETSI," TO
25 BE ESSENTIAL TO THE USE OF CERTAIN INDUSTRY

1 STANDARDS FOR WIRELESS TECHNOLOGIES, AND THEN
2 ASSERTED AGAINST APPLE.

3 THESE "DECLARED ESSENTIAL" PATENTS
4 INCLUDE SAMSUNG'S '516 AND '941 PATENTS WHICH I
5 HAVE ALREADY DESCRIBED TO YOU.

6 APPLE CONTENDS THAT, BY ASSERTING THESE
7 PATENTS AGAINST APPLE, SAMSUNG BOTH VIOLATED THE
8 ANTITRUST LAWS AND BREACHED ITS CONTRACTUAL
9 OBLIGATIONS TO TIMELY DISCLOSE AND THEN LICENSE
10 THESE PATENTS ON FAIR AND REASONABLE TERMS.

11 APPLE ALSO CONTENDS THAT SAMSUNG'S '516
12 AND '941 PATENTS ARE UNENFORCEABLE AS A RESULT OF
13 THIS CONDUCT.

14 SAMSUNG DENIES THAT IT HAS VIOLATED THE
15 ANTITRUST LAWS OR BREACHED ANY CONTRACTUAL
16 OBLIGATIONS.

17 FOR APPLE'S ALLEGATIONS REGARDING THESE
18 PATENTS, YOUR JOB WILL BE TO DECIDE WHETHER SAMSUNG
19 VIOLATED THE ANTITRUST LAWS AND WHETHER SAMSUNG
20 BREACHED ITS CONTRACTUAL OBLIGATIONS.

21 IF YOU DECIDE THAT SAMSUNG DID SO, YOU
22 WILL THEN NEED TO DECIDE WHAT MONEY DAMAGES TO
23 AWARD TO APPLE.

24 YOU WILL ALSO BE ASKED TO DECIDE WHETHER
25 SAMSUNG'S CONDUCT BARS SAMSUNG FROM ENFORCING THESE

1 PATENTS AGAINST APPLE.

2 THE TRIAL WILL NOW BEGIN. FIRST, EACH
3 SIDE MAY MAKE AN OPENING STATEMENT. AN OPENING
4 STATEMENT IS NOT EVIDENCE. IT IS SIMPLY AN OUTLINE
5 TO HELP YOU UNDERSTAND WHAT THAT PARTY EXPECTS THE
6 EVIDENCE WILL SHOW.

7 THE PRESENTATION OF EVIDENCE WILL THEN
8 BEGIN. WITNESSES WILL TAKE THE WITNESS STAND AND
9 THE DOCUMENTS WILL BE OFFERED AND ADMITTED INTO
10 EVIDENCE.

11 THERE TWO STANDARDS OF PROOF THAT YOU
12 WILL APPLY TO THE EVIDENCE DEPENDING ON THE ISSUE
13 YOU ARE DECIDING. ON SOME ISSUES, YOU MUST DECIDE
14 WHETHER SOMETHING IS MORE LIKELY TRUE THAN NOT. ON
15 OTHER ISSUES, YOU MUST USE A HIGHER STANDARD AND
16 DECIDE WHETHER IT IS HIGHLY PROBABLE THAT SOMETHING
17 IS TRUE.

18 APPLE WILL START BY PRESENTING ITS
19 EVIDENCE ON ITS CONTENTIONS THAT SAMSUNG HAS
20 INFRINGED APPLE'S UTILITY AND DESIGN PATENTS, THAT
21 SAMSUNG HAS DILUTED AND INFRINGED APPLE'S IPHONE
22 AND IPAD RELATED TRADE DRESSES, AND THAT SAMSUNG'S
23 INFRINGEMENT AND DILUTION HAVE BEEN WILLFUL.

24 THESE WITNESSES WILL BE QUESTIONED BY
25 APPLE'S COUNSEL IN WHAT IS CALLED DIRECT

1 EXAMINATION. AFTER THE DIRECT EXAMINATION OF A
2 WITNESS IS COMPLETED, SAMSUNG HAS AN OPPORTUNITY TO
3 CROSS-EXAMINE THE WITNESS.

4 TO PROVE INFRINGEMENT OF ANY CLAIM, APPLE
5 MUST PERSUADE YOU THAT IT IS MORE LIKELY THAN NOT
6 THAT SAMSUNG HAS INFRINGED OR DILUTED APPLE'S
7 PATENTS OR TRADE DRESSES.

8 AFTER APPLE HAS PRESENTED ITS WITNESSES,
9 SAMSUNG WILL CALL ITS WITNESSES, WHO WILL ALSO BE
10 EXAMINED AND CROSS-EXAMINED. SAMSUNG WILL PRESENT
11 ITS EVIDENCE ON ITS CONTENTIONS THAT APPLE HAS
12 INFRINGED SAMSUNG'S UTILITY PATENTS.

13 TO PROVE INFRINGEMENT OF ANY CLAIM,
14 SAMSUNG MUST PERSUADE YOU THAT IT IS MORE LIKELY
15 THAN NOT THAT APPLE HAS INFRINGED SAMSUNG'S
16 PATENTS.

17 SAMSUNG WILL ALSO PRESENT ITS EVIDENCE
18 THAT ASSERTED CLAIMS OF APPLE'S UTILITY AND DESIGN
19 PATENTS ARE INVALID.

20 TO PROVE INVALIDITY OF ANY CLAIM, SAMSUNG
21 MUST PERSUADE YOU THAT IT IS HIGHLY PROBABLE THAT
22 THE CLAIM IS INVALID.

23 SAMSUNG WILL ALSO PRESENT EVIDENCE THAT
24 THE APPLE TRADE DRESSES ARE INVALID.

25 APPLE WILL THEN RETURN AND WILL PUT ON

1 EVIDENCE RESPONDING TO SAMSUNG'S CONTENTION THAT
2 THE APPLE PATENTS AND TRADE DRESSES ARE INVALID.

3 APPLE THEN WILL PRESENT ITS
4 NON-INFRINGEMENT AND INVALIDITY DEFENSES ON
5 SAMSUNG'S UTILITY PATENTS.

6 TO PROVE INVALIDITY OF ANY CLAIM, APPLE
7 MUST PERSUADE YOU THAT IT IS HIGHLY PROBABLE THAT
8 THE CLAIM IS INVALID.

9 APPLE WILL FURTHER PRESENT ITS EVIDENCE
10 OF ITS PATENT EXHAUSTION DEFENSE AND ITS DEFENSE
11 THAT SAMSUNG'S CONDUCT WITH RESPECT TO STANDARD
12 SETTING ORGANIZATIONS RENDERED ITS PATENTS
13 UNENFORCEABLE OR GIVES APPLE A RIGHT TO A LICENSE.

14 APPLE WILL ALSO PRESENT ITS EVIDENCE THAT
15 SAMSUNG ENGAGED IN BREACH OF CONTRACT OR VIOLATED
16 ANTITRUST LAW.

17 TO PROVE THAT SAMSUNG'S PATENT RIGHTS ARE
18 UNENFORCEABLE DUE TO EXHAUSTION, APPLE MUST
19 DEMONSTRATE THAT IT IS MORE LIKELY THAN NOT THAT
20 SAMSUNG EXHAUSTED ITS PATENT RIGHTS.

21 APPLE MUST PROVE THAT IT IS HIGHLY
22 PROBABLE THAT SAMSUNG WAIVED ITS RIGHTS TO ENFORCE
23 CERTAIN OF ITS PATENTS IN CONNECTION WITH ITS
24 STANDARDS-RELATED CONDUCT OR ITS ASSERTION OF
25 PATENTS THAT IT HAS DECLARED ESSENTIAL TO INDUSTRY

1 STANDARDS.

2 APPLE MUST PROVE BY A PREPONDERANCE OF
3 THE EVIDENCE THAT SAMSUNG HAS VIOLATED THE
4 ANTITRUST LAW IN CONNECTION WITH THE SAME
5 STANDARDS-RELATED CONDUCT.

6 FINALLY, SAMSUNG WILL HAVE THE OPTION TO
7 PUT ON REBUTTAL EVIDENCE TO ANY EVIDENCE OFFERED BY
8 APPLE ON THE VALIDITY OF SAMSUNG'S PATENTS.

9 SAMSUNG WILL ALSO PRESENT ITS EVIDENCE
10 RESPONDING TO APPLE'S PATENT EXHAUSTION DEFENSE AND
11 APPLE'S DEFENSES RELATING TO SAMSUNG'S
12 STANDARDS-SETTING CONDUCT.

13 SAMSUNG WILL ALSO PRESENT EVIDENCE
14 RESPONDING TO APPLE'S CONTRACT AND ANTITRUST
15 CLAIMS.

16 BECAUSE THE EVIDENCE IS INTRODUCED
17 PIECEMEAL, YOU NEED TO KEEP AN OPEN MIND AS THE
18 EVIDENCE COMES IN AND WAIT FOR ALL THE EVIDENCE
19 BEFORE YOU MAKE ANY DECISIONS. IN OTHER WORDS, YOU
20 SHOULD KEEP AN OPEN MIND THROUGHOUT THE ENTIRE
21 TRIAL.

22 AFTER THE EVIDENCE HAS BEEN PRESENTED, I
23 WILL GIVE YOU FINAL INSTRUCTIONS ON THE LAW THAT
24 APPLIES TO THE CASE AND THE ATTORNEYS WILL MAKE
25 CLOSING ARGUMENTS. CLOSING ARGUMENTS ARE NOT

1 EVIDENCE.

2 AFTER THE INSTRUCTIONS AND CLOSING
3 ARGUMENTS, YOU WILL THEN DECIDE THE CASE.

4 ALL RIGHT. SO WHAT IS GOING TO HAPPEN
5 TOMORROW, WE'LL START AT 9:00 O'CLOCK AND YOU WILL
6 BE SHOWN A VIDEO ABOUT PATENTS THAT'S PRODUCED BY
7 THE FEDERAL JUDICIAL CENTER. IT'S ABOUT AN 18
8 MINUTE LONG VIDEO.

9 AFTER THAT I WILL READ A SHORT STATEMENT
10 TO ACCOMPANY THAT VIDEO AND THEN YOU'LL HEAR
11 OPENING STATEMENTS FROM THE PARTIES.

12 OKAY? NOW, MS. PARKER BROWN HAS TO MEET
13 WITH YOU JUST A FEW MINUTES AND SHE'LL MEET WITH
14 YOU IN THE JURY ROOM. YOU CAN CHECK IT OUT. AND
15 SHE'LL GIVE YOU YOUR BADGES AND ALSO GIVE YOU
16 INFORMATION ABOUT HOW TO GET IN AND OUT OF THE
17 BUILDING. BEFORE AND AFTER COURT, YOU'LL BE
18 REPORTING TO THE JURY ROOM. OKAY? THAT'S DIRECTLY
19 ATTACHED TO THIS COURTROOM.

20 SO THANK YOU AGAIN FOR YOUR SERVICE AND
21 YOUR PATIENCE. YOU CAN GO AHEAD AND TAKE YOUR JURY
22 NOTEBOOKS AND JUST LEAVE THEM IN THE JURY ROOM.

23 AGAIN, PLEASE DO NOT DISCUSS THE CASE
24 WITH ANYONE. DO NOT DO ANY RESEARCH OR
25 INVESTIGATION, NO TWEETING OR BLOGGING ABOUT THIS

1 CASE. ALL RIGHT?

2 THANK YOU VERY MUCH. WE'LL SEE YOU
3 TOMORROW MORNING.

4 (WHEREUPON, THE FOLLOWING PROCEEDINGS
5 WERE HELD OUT OF THE PRESENCE OF THE JURY:)

6 THE COURT: THE RECORD SHOULD REFLECT ALL
7 THE JURORS HAVE LEFT THE COURTROOM.

8 SO TOMORROW WE HAVE OUR 8:30 CONFERENCE
9 AND I'LL RULE ON THE OUTSTANDING EVIDENTIARY
10 ISSUES.

11 BUT WE'LL BEGIN WITH THE FJC VIDEO, WHICH
12 YOU ALL ARE PROVIDED; CORRECT?

13 MR. JACOBS: THAT'S RIGHT, YOUR HONOR.

14 THE COURT: ALL RIGHT. SO WE'LL BEGIN
15 WITH THAT, I'LL READ THE STATEMENT, AND THEN PLEASE
16 PROCEED WITH OPENING.

17 OKAY. ANYTHING ELSE FOR TODAY?

18 MR. QUINN: YOUR HONOR, THERE IS A SIGN
19 OUTSIDE THE ELEVATOR AND DOWNSTAIRS THAT SAYS
20 "APPLE VERSUS SAMSUNG." I DON'T KNOW WHETHER
21 THAT'S GOING TO STAY UP.

22 THE COURT: WELL, IT DEPENDS ON IF WE
23 NEED AN OVERFLOW ROOM TOMORROW. I MEAN, BASED ON
24 HOW CROWDED TODAY IS, I THINK FOR TOMORROW FOR THE
25 OPENING STATEMENTS, WE'LL KEEP THE OVERFLOW ROOM

1 RIGHT NEXT DOOR.

2 MR. QUINN: BUT DOWNSTAIRS IN THE LOBBY
3 ON THE FIRST FLOOR, THERE'S A SIGN THAT SAYS "APPLE
4 VERSUS SAMSUNG," AND I'M SUGGESTING MAYBE AT THIS
5 POINT, WE DON'T NEED A SIGN AT ALL; BUT IF WE DO,
6 IT ALSO SHOULD SAY "SAMSUNG VERSUS APPLE."

7 IT'S THE FIRST THING THEY SEE AND THEN
8 YOU SEE IT AGAIN WHEN YOU COME OFF THE ELEVATOR UP
9 HERE. IT JUST SAYS "APPLE VERSUS SAMSUNG."

10 THE COURT: THAT'S FINE. WE CAN CHANGE
11 THE SIGN.

12 MR. QUINN: THANK YOU, YOUR HONOR.

13 THE COURT: ALL RIGHT. SO WE'LL HAVE AN
14 OVERFLOW ROOM TOMORROW AS WELL, AND THE OPENINGS,
15 THE LAWYERS ARE ACTUALLY GOING TO BE LIVE VIDEOED
16 INTO THE OVERFLOW ROOM. OKAY. AND THEN WE WON'T
17 HAVE AN OVERFLOW ROOM AFTER TOMORROW UNLESS THINGS
18 CHANGE.

19 ANYTHING ELSE?

20 MR. VERHOEVEN: YOUR HONOR?

21 THE COURT: YES.

22 MR. VERHOEVEN: WE DID SUBMIT THE OFFER
23 OF PROOF AND MR. QUINN ACTUALLY WAS INVOLVED IN
24 PREPARING THIS SINCE WE WERE IN COURT TODAY. I
25 DON'T KNOW IF YOU WANT TO HEAR ABOUT THAT NOW OR IN

1 THE MORNING.

2 THE COURT: NO. I'D LIKE TO BE ABLE TO
3 REVIEW EVERYTHING. I DID SEE THAT IT WAS SUBMITTED
4 AT LUNCH TIME.

5 MR. VERHOEVEN: THANK YOU, YOUR HONOR.

6 MR. QUINN: THANK YOU, YOUR HONOR.

7 THE COURT: ALL RIGHT. THANK YOU ALL
8 VERY MUCH.

9 MR. MCELHINNY: THANK YOU, YOUR HONOR.

10 (WHEREUPON, THE EVENING RECESS WAS
11 TAKEN.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: JULY 30, 2012