

Pierce Declaration

EXHIBIT 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,)	C-11-01846 LHK
)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	JULY 30, 2012
VS.)	
)	VOLUME 1
SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY,)	PAGES 1-282
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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
3 APPLE: BY: HAROLD J. MCELHINNY
4 MICHAEL A. JACOBS
5 RACHEL KREVANS
425 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105

6 FOR COUNTERCLAIMANT WILMER, CUTLER, PICKERING,
7 APPLE: HALE AND DORR
8 BY: WILLIAM F. LEE
60 STATE STREET
BOSTON, MASSACHUSETTS 02109
9 BY: MARK D. SELWYN
10 950 PAGE MILL ROAD
PALO ALTO, CALIFORNIA 94304

11 FOR THE DEFENDANT: QUINN, EMANUEL, URQUHART,
12 OLIVER & HEDGES
13 BY: CHARLES K. VERHOEVEN
50 CALIFORNIA STREET, 22ND FLOOR
SAN FRANCISCO, CALIFORNIA 94111
14 BY: VICTORIA F. MAROULIS
15 KEVIN P.B. JOHNSON
555 TWIN DOLPHIN DRIVE
16 SUITE 560
REDWOOD SHORES, CALIFORNIA 94065
17 BY: MICHAEL T. ZELLER
18 WILLIAM C. PRICE
865 SOUTH FIGUEROA STREET
19 10TH FLOOR
LOS ANGELES, CALIFORNIA 90017

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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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1 **AFTERNOON SESSION**

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 OBTVIATES 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 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?

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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