Case3:10-cv-03561-WHA Document1100 Filed05/08/12 Page1 of 4 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

The Honorable WILLIAM H. ALSUP

Date: May 8, 2012

Case No.: C10-03561 WHA

Case Name: ORACLE AMERICA, INC. v. GOOGLE INC.

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; David Boies; Andrew Temkin Dorian Daley; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Matthias Kamber; Eugene Paige; Scott Weingaertner; Christine Anderson Dan Purcell; Renny Hwang; Catherine Lacavera (Corporate Representative)

Clerk: <u>Dawn K. Toland</u>	Court Reporter: <u>Kathy Sullivan; Debra Pas</u>

Trial Began: April 16, 2012 Further Trial: May 9, 2012 at 7:30 am

Trial Motions Heard:	Disposition
1.	
2	
3	

Other:

Time in Trial: 5 hours 45 minutes

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EXHIBIT and WITNESS LIST

JUDGE: WILLIAM H. ALSUP		Micha Fred N	NTIFF ATTORNEY: el Jacobs; Dan MuinoDEFENSE ATTORNEY: Robert Van Nest; Matthias K Eugene Paige; Scott Weingae Dan Purcell; Christine Ander	ertner		
TRIAL DATE: May 8, 2012					RTER(S):CLERK :Sullivan; Debra PasDawn Toland	
PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>7:30 am</u>			Outside the presence of the jury. Plaintiff Michael Jacobs moved in the following stipulated exhibits: 77, 79, 81, 82, 83, 85, 93, 286, 663, 2746, 2749, 2756, 2775, 2776, 89, 90, 91, 82, 94, 87, 388, 662, 310 and 426. Defendant's moved in the following stipulated exhibits: 2460, 2462, 2464, 2929, 2955, 3469 and 2072. Defendant raised issue concerning reference made during plaintiff's openings statement.	
		<u>8:00 am</u>			Reconvenejury present	
					Court addressed the jury regarding what is a method patent	
		<u>8:09 am</u>			Defendant's Opening Statement	
		<u>8:49 am</u>			Plaintiff's witness Timothy Lindholm sworn-in. Direct by Fred Norton	
<u>1</u>			<u>X</u>	<u>X</u>	Android GPS Key Strategic Decisions Around Open Source	
<u>321</u>			<u>X</u>	<u>X</u>	Email from Andy Rubin to Tim Lindholm re Project advisors	
<u>131</u>			<u>X</u>	<u>X</u>	Email from Tim Lindholm to Andy Rubin re Another thought on Sun motivation	
<u>325</u>			<u>X</u>	<u>X</u>	Email from Tim Lindholm to weekly@google.com re weekly	
<u>212</u>			<u>X</u>	<u>X</u>	Email from Tim Lindholm to Andy Rubin re Sun meeting	
<u>1042</u>			<u>x</u>		Email to Tim Lindholm from Dave Sabota	
<u>1043</u>			<u>X</u>		Email to Tim Lindholm from Google Calendar	
<u>25</u>			<u>X</u>	<u>x</u>	The Java Virtual Machine Specification First Edition	
		<u>9:33 am</u>			Recess	
		<u>9:57 am</u>			Reconvenejury present	
					Cross Examination by Scott Weingaertner	

	<u>Case3:10</u> <u>10:00 am</u>	r cv 0	3561 \	VHA Document1100 Filed05/08/12 Page3 of 4 Witness Excused	
				Plaintiff's witness Robert Vandette sworn-in. Direct by Fred Norton	
	<u>10:17 am</u>			Cross Examination by Matthias Kamber	
				<u>Report</u>	
	<u>10:32 am</u>			<u>Redirect</u>	
	<u>10:35 am</u>			Witness Excused	
				Plaintiff's witness Noel Poore sworn-in. Direct by Fred Norton	
<u>669</u>		<u>x</u>		Summary and Report of Noel Poore	
	<u>10:55 am</u>			Cross Examination by Gene Paige	
	<u>11:07 am</u>			Redirect Examination	
	<u>11:08 am</u>			Recross	
	<u>11;10 am</u>			Witness Excused	
				Recess	
	<u>11:30 am</u>			Outside the presence of the jury. Parties raised issue regarding exhibits #2276 and 1176. Parties reached a stipulation re 104 and 105 patents.	
	<u>11:40 am</u>			Reconvenejury present	
				Court read stipulation to the jury	
	<u>11:42 am</u>			Video Deposition of Rafael Camargo - exhibit #1125	
749		<u>x</u>	X	Android Compatibility Program	
<u>753</u>		<u>x</u>	X	Android Compatibility Program	
	<u>11:54 am</u>			Plaintiff read Request for Admissions - exhibit #1111	
	<u>12:00 pm</u>			Video Deposition of Daniel Morrill - exhibit #1126	
	<u>12:15 pm</u>			Plaintiff addressed the jury re summary	
	<u>12:16 pm</u>	ар 	1	Defendant addressed the jury re summary	
	<u>12:19 pm</u>			Plaintiff's witness Patrick Brady sworn-in. Direct by Michael Jacobs	
<u>749</u>		<u>x</u>	<u>X</u>	Android Compatibility Program	
<u>347</u>		<u>x</u>	X	Email from Patrick Brady to Daria Kissner re question for board	
<u>662</u>		<u>x</u>	<u>x</u>	Anti-Fragmentation Agreement	
<u>77</u>		<u>x</u>	X	Open Handset Alliance Cooperative Marketing	
<u>2742</u>		<u>x</u>			
<u>83</u>		<u>x</u>	x	Mobile Application Distribution Agreement	

		Case3:10		3561 V	WHA Document1100 Filed05/08/12 Page4 of 4
<u>363</u>			<u>X</u>	<u>X</u>	Email from Patrick Brady to Daniel Conrad
		<u>12:37 pm</u>			Cross Examination
	<u>749</u>		<u>x</u>	<u>x</u>	Android Compatibility Program
		<u>12:44 pm</u>			Witness Excused
		<u>12:45 pm</u>			Plaintiff's witness Andy Rubin sworn-in. Direct by Michael Jacobs
<u>2714</u>			<u>X</u>	<u>x</u>	Email from Andy Rubin to Vineet Gupta
<u>616</u>			<u>x</u>	<u>x</u>	Email from Vineet Gupta to Alan Brenner
<u>22</u>			<u>X</u>	<u>x</u>	Email from Karen Tsay to deal review@google.com
<u>155</u>			<u>X</u>	<u>x</u>	Email from Greg Stein to Andy Rubin
<u>116</u>			<u>X</u>	<u>X</u>	Android Project Overview
<u>4</u>			<u>X</u>		Email from Stephen Chauto Megan Smith
<u>5</u>			<u>x</u>		Email from Tim Lindholm to Andy Rubin re Java VM
<u>20</u>			<u>X</u>		Email from Steve Horowitz to Leslie hawthorn re Nedim
		<u>1:00 pm</u>			Recess
					Outside the presence of the jury. Court received exhibit #4. Rule 50 motion argument set for 5/9 at 1:45 pm.
4		Redact	<u>x</u>	<u>x</u>	Only cover and page 28 received into evidence
		<u>1:15 pm</u>			Recess until 5/9/12 at 7:30 am