

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

- - -

FRAUNHOFER-GESELLSCHAFT ZUR : CIVIL ACTION
FORDERUNG DER ANGEWANDTEN :
FORSCHUNG E.V., :
 :
 :
 :
 Plaintiff, :
 :
 :
 vs. :
 :
 :
 SIRIUS XM RADIO INC., :
 :
 :
 Defendant. : NO. 17-148-JFB-SRF

- - -

Wilmington, Delaware
Tuesday, August 15, 2017
10:00 o'clock, a.m.

- - -

BEFORE: HONORABLE SHERRY R. FALLON, U.S. MAGISTRATE JUDGE

- - -

APPEARANCES:

FARNAN LLP
BY: BRIAN E. FARNAN, ESQ.

-and-

Valerie J. Gunning
Official Court Reporter

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APPEARANCES (Continued):

IRELL & MANELLA, LLP
BY: BEN J. YORKS, ESQ.
(Newport Beach, California)

-and-

LOBEL WEILAND GOLDEN FRIEDMAN LLP
BY: ALAN J. FRIEDMAN, ESQ.
(Costa Mesa, California)

Counsel for Plaintiff

POTTER, ANDERSON & CORROON LLP
BY: PHILIP ROVNER, ESQ. and
ALAN SILVERSTEIN, ESQ.

-and-

KRAMER LEVIN NAFTALIS & FRANKEL LLP
BY: JONATHAN S. CAPLAN, ESQ.,
MARK A. BAGHDASSARIAN, ESQ. and
PETER ABRUZZESE, ESQ.
(New York, New York)

Counsel for Defendant

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P R O C E E D I N G S

(Proceedings commenced in the courtroom,
beginning at 10:00 a.m.)

THE COURT: Good morning, everyone. Please be
seated.

(Counsel respond, "Good morning, your Honor.")

THE COURT: This is the time set aside in
Fraunhofer versus Sirius XM.

Unless the parties have discussed how to
proceed, my thought was that we would, I would hear oral
argument on the motion to dismiss first and then deal with
the protective order. So with that, let's do the
introductions of counsel and then we'll get started.

MR. FARNAN: Good morning, your Honor.

THE COURT: Good morning.

MR. FARNAN: Brian Farnan on behalf of the
plaintiff, and with me is Ben Yorks of Irell & Manella and
Alan Friedman from Lobel Weiland Golden Friedman.

THE COURT: Very good. Thank you.

MR. FARNAN: Thank you.

THE COURT: Sirius?

MR. ROVNER: Good morning, your Honor.

Phil Rovner from Potter Anderson on behalf of defendant

1 Sirius XM Radio.

2 With me from Kramer Levin, Jonathan Caplan, Brad
3 O'Neill, Mark Baghdassarian and Peter Abruzzese.

4 With us also is Pat Donnelly, general counsel
5 for Sirius XM, and my colleague, Alan Silverstein, in the
6 back.

7 THE COURT: Very good. Welcome, everyone.
8 Okay.

9 I have indicated that we'll start with the
10 motion to dismiss based on the sublicense defense. So I
11 don't know if counsel, if that's acceptable to counsel?

12 MR. CAPLAN: That's fine with us, your Honor.

13 MR. FRIEDMAN: Sure, that's fine.

14 THE COURT: All right. Let's start.

15 MR. CAPLAN: Good morning, Honor.

16 THE COURT: Good morning.

17 MR. CAPLAN: Jonathan Caplan on behalf of Sirius
18 XM. If it please the Court, we have a slide deck that goes
19 along with the presentation with the argument.

20 THE COURT: Very well.

21 MR. CAPLAN: We have a hard copy. If we could
22 hand that up if you would like to have that?

23 THE COURT: You may. Have you shown the
24 demonstrative to your opposing counsel?

25 MR. CAPLAN: They have a copy, your Honor.

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