

# Exhibit A

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

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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

1 APPEARANCES (Continued):

2  
3 IRELL & MANELLA, LLP  
4 BY: BEN J. YORKS, ESQ.  
(Newport Beach, California)

5 -and-

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

9  
10 Counsel for Plaintiff

11  
12 POTTER, ANDERSON & CORROON LLP  
13 BY: PHILIP ROVNER, ESQ. and  
ALAN SILVERSTEIN, ESQ.

14 -and-

15  
16 KRAMER LEVIN NAFTALIS & FRANKEL LLP  
17 BY: JONATHAN S. CAPLAN, ESQ.,  
18 MARK A. BAGHDASSARIAN, ESQ. and  
PETER ABRUZZESE, ESQ.  
(New York, New York)

19  
20 Counsel for Defendant

21 - - -

## 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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