

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 20-cv-05640-YGR

Case Name: Epic Games, Inc.v. Apple Inc.

TRIAL SHEET, EXHIBIT and WITNESS LIST

| | | |
|-----------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------|
| JUDGE: Yvonne Gonzalez Rogers | PLAINTIFF ATTORNEY: Katherine Forrest and Gary Bornstein | DEFENSE ATTORNEY: Richard Doren and Veronica Moye |
| BENCH TRIAL DATE: May 3, 2021 | REPORTER(S): Diane Skillman and Pam Hebel and Raynee Mercado | CLERK: Frances Stone |
| | | |

| PLF NO. | DEF NO. | DATE/TIME OFFERED | ID | REC | DESCRIPTION | BY |
|---------|---------|----------------------|----|-----|--------------------------------------------------------------------------------------------------------------------------|----------|
| | | 5/3/2021 | | | BENCH TRIAL: COURT REPORTER: DIANE SKILLMAN | |
| | | 8:45am | | | Case called. Discussion with counsel. | |
| | | | | | All documents listed in ECF dkt. 498 ADMITTED in evidence. Sealing at Dkt. 553 granted. Dkt. 538 granted. | |
| | | 9:00am | | | Plaintiff Epic Attorney Katherine Forrest Opening Statement | |
| | | 9:057am | | | Defendant Apple Attorney Karen Dunn Opening Statement. | |
| | | 10:39am | | | RECESS (20 min) | |
| | | 10:57am | | | Defendant Apple Attorney Dunn resumes Opening Statement | |
| | | 11:27am | | | Defendant Opening completed | |
| | | 11:29am | | | Plaintiff Epic Attorney Forrest calls witness Tim Sweeney for DIRECT | P |
| PX 2455 | | | X | X | Email | |
| PX 2456 | | | X | X | Email | |
| PX 2463 | | | X | X | Email | |
| | | 12:32pm | | | RECESS (until 1:15pm) | |
| | | 1:14pm | | | Plaintiff Epic Attorney Forrest resumes Direct of witness Sweeney | |
| PX 2777 | | | X | X | Exhibit: Device | |
| PX 2778 | | | X | X | Device: X Box | |
| PX 2776 | | | X | X | Device: Nintendo Switch | |

| PLF NO. | DEF NO. | DATE/TIME OFFERED | ID | REC | DESCRIPTION | BY |
|---------|---------|-------------------|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| | | 1:35pm | | | Court has questions for witness | |
| | | 1:36pm | | | Plaintiff Epic Attorney Forrest Direct of witness Sweeney | |
| PX 4477 | | | X | X | Document | |
| | | 2:01pm | | | Defendant Apple Attorney Richard Doren Cross of Witness Sweeney | |
| | | | | | Slide: Sony/Microsoft/Nintendo Chart | |
| | DX 5535 | | X | X | Email | |
| | | 2:55pm | | | Discussion with counsel | |
| | | 2:59pm | | | SEALED PORTION OF TRIAL HELD | |
| | | 3:12pm | | | Sealed portion completed | |
| | | 3:12pm | | | Discussion with counsel | |
| | DX 4457 | | X | X | Email | |
| | DX 3620 | | X | X | Email | |
| | | 3:15pm | | | RECESS for the day. Further Bench Trial set Tuesday, 5/4/2021 at 8:00am. | |
| | | 5/4/2021 | | | COURT REPORTER: DIANE SKILLMAN | |
| | | 8:04AM | | | Case called. Discussion with counsel. Counsel bring up that there is a typo. as to one admitted Exhibit in Minutes of 5/3/2021: correct Exhibit number is PX 4477 | |
| | | 8:14am | | | Witness Tim Sweeney on the witness stand. Defendant Apple Attorney Doren resumes cross of witness Sweeney | |
| | DX 3125 | | X | X | Email 6/3/18 | |
| | DX 3768 | | X | X | Document " The Platform Wars" Video portion played in Courtroom re this document | |
| | DX 3098 | | X | X | Email | |
| | DX 4036 | | X | X | 1/9/18 Email | |
| | DX 3199 | | X | X | 3/21/19 Article | |
| | | 9:03am | | | Court question of the witness | |
| | | 9:04am | | | Defendant Apple Attorney Apple Cross of Witness Sweeney | |
| | DX 3818 | | X | X | Email | |
| | DX 4361 | | X | X | Document: Review of Performance | |
| | DX 4419 | | X | X | 5/11/2020 Email | |
| | DX 4477 | | X | X | Document | |

| PLF NO. | DEF NO. | DATE/TIME OFFERED | ID | REC | DESCRIPTION | BY |
|---------|---------|-------------------|----|-----|-------------------------------------------------------------------------------------|----|
| | DX 3774 | | X | X | Project Liberty Presentation | |
| PX 2463 | | | X | X | Document | |
| | DX 4579 | | X | X | 8/5/2020 Email | |
| | DX 3478 | | X | X | Email 8/6/20 to 8/7/2020 re "Apple" | |
| PX 3724 | | | X | X | Document | |
| | | 10:07am | | | Plaintiff Epic attorney Forrest Redirect of Witness Sweeney | |
| | | 10:17am | | | RECESS (20 minutes) | |
| | | 10:35am | | | On the record. | |
| | | 10:36am | | | Plaintiff Epic Attorney Forrest Resumes Redirect of Witness Sweeney | |
| | | | | | Device: iPhone | |
| PX 2776 | | | X | X | Nintendo Switch | |
| PX | | | X | X | Device | |
| | DX 3818 | | X | X | Document | |
| | DX 3774 | | X | X | Document | |
| | DX 4477 | | X | X | Document | |
| | DX 4579 | | X | X | Document | |
| PX 2374 | | | X | X | Email | |
| PX 2421 | | | X | X | Email 1/5/18 | |
| | | 11:18am | | | Defendant Apple Attorney Doren Re-cross of witness Sweeney | |
| PX 2374 | | | | | Email | |
| | | 11:23am | | | No redirect. | |
| | | 11:23am | | | Court questions to witness Sweeney | |
| | | 11:27am | | | Plaintiff Epic Attorney J. Wesley Earnhardt calls witness Benjamin Simon for Direct | P |
| PX 2790 | | | X | X | App Store Guidelines | |
| PX 2790 | | | X | X | Page 2790.10 | |
| | | 12:32pm | | | RECESS (40 minutes) until 1:15pm | |
| | | 1:16pm | | | On the record | |
| | | | | | DX 3774 DX 3818 | |
| | | 1:18pm | | | Defendant Apple attorney Meredith Dearborn Cross of witness Benjamin Simon | |
| PX 2624 | | | X | X | Down Dog FAQ page 2624.1 | |
| | DX 5505 | | X | X | Document | |
| | | 1:34PM | | | Plaintiff Epic attorney Earnhardt Redirect of witness Simon | |

| PLF NO. | DEF NO. | DATE/TIME OFFERED | ID | REC | DESCRIPTION | BY |
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| | | 1:39PM | | | No cross | |
| | | 1:39pm | | | Court questions for witness Simon | |
| | | 1:44pm | | | No further questions | |
| | | 1:44pm | | | Plaintiff Epic attorney Earnhardt calls witness Aashish Patel for Direct | P |
| | PX 2790 | | X | X | Page 18 Section 4.9.2 | |
| | PX 721 | | X | X | Document GeForce | |
| | | 2:29pm | | | Defendant Apple attorney Jay Srinivasan Cross of witness Aashish Patel | |
| | DX 3815 | | X | | 3/4/2020 email | |
| | | 3:05pm | | | Discussion with counsel. Oral hearing on Motions to Strike as to Experts set 5/5/21 at 8:00am | |
| | | 3:07pm | | | Under Seal Portion | |
| | | 3:20pm | | | RECESS for the day. Further Bench Trial on 5/5/2021 at 8:00AM | |
| | | 5/5/2021 | | | COURT REPORTER: PAM HEBEL | |
| | | 8:00am | | | Case called. Discussion with counsel. The Court states on the record exhibits that have admitted in evidence. Motions to Strike – HELD. | |
| | | 8:48am | | | Defendant Apple attorney Srinivasan resumes Cross of witness Patel. | |
| | DX 3815 | | | | Document | |
| | | 8:54am | | | Plaintiff Epic attorney Earnhardt Redirect of witness Patel | |
| | | 9:00am | | | Defendant Apple attorney Sirinivasan Re-Cross of witness Patel | |
| | | 9:01am | | | Witness excused from stand | |
| | | 9:01am | | | Plaintiff Epic attorney Earnhardt calls witness Lori Wright for Direct | P |
| PX 2476 | | | X | X | Page 2476.6 | |
| | DX 5523 | | X | X | Slides 31, 17, 11 and 9 | |
| PX 2311 | | | X | X | 4/3/2020 Email | |
| | | 10:10am | | | Defendant Apple attorney Srinivasan Cross of witness Wright | |
| | | 10:15am | | | RECESS (20 minutes) | |
| | | 10:30am | | | UNDER SEAL SESSION | |
| | | 10:42am | | | Back to public session: Plaintiff attorney Srinivasan Cross of witness Wright | |
| | DX 5518 | | X | X | Slide deck “Microsoft Provides” ; page 2; “10 Principles” | |

| PLF NO. | DEF NO. | DATE/TIME OFFERED | ID | REC | DESCRIPTION | BY |
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| | DX 5523 | | X | X | Document "X-Box Live Marketplace; Future Strategy; slide 18 page 32; slide 37 | |
| | DX 5532 | | X | X | Form 10-K Microsoft ; page 011 | |
| | | 11:56am | | | Plaintiff Epic attorney Earnhardt Redirect of Witness Wright | |
| | DX 5523 | | X | X | Document; page 12 | |
| | | 12:09pm | | | Defendant Apple attorney Sirinivasan Re-Cross of witness Wright | |
| | | 12:10pm | | | Witness excused from stand | |
| | | 12:11pm | | | Plaintiff Epic attorney Forrest calls witness Andrew Grant for DIRECT | P |
| | | 12:36PM | | | RECESS (until 1:15pm) | |
| | | 1:15pm | | | COURT REPORTER: DIANE SKILLMAN | |
| | | 1:15PM | | | Plaintiff Epic attorney Forrest resumes Direct of witness Andres Grant | |
| PX 2618 | | | X | X | Apple Development Agreement | |
| PX 2619 | | | X | X | License Agreement | |
| PX 2621 | | | X | X | Schedule 2 Agreement | |
| PX 2622 | | | X | X | Xcode and Apple SDKS | |
| | | 2:29pm | | | Defendant Apple Attorney Richard Doren Cross of witness Grant | |
| | DX 4119 | | X | X | 6/3/19 Email | |
| | DX 4022 | | X | X | Unreal Engine License Agreement | |
| | DX 4561 | | X | X | Presentation Project Liberty | |
| | | 3:05pm | | | Plaintiff attorney Epic attorney Forrest Redirect of witness Grant. | |
| | | 3:07pm | | | Witness excused from stand | |
| | | 3:07pm | | | Discussion with counsel. Next witnesses: Ko, Fischer; Kosmynga, Allison Weissinger; then experts Evans, Athey, Schmalensee, Hitt; La Fontaine; Rubinfeld; Cragg; Barnes, Mickens then Defendant Apple's case. Exhibits PX 0067 and PX 0201- see order at docket 594. | |
| | | 3:18pm | | | RECESS FOR THE DAY. Further Bench Trial set for 5/6/2021 at 8:00am. | |
| | | 5/6/2021 | | | COURT REPORTER: PAM HEBEL | |
| | | 8:00AM | | | Case called. Discussion with counsel. | |
| | | 8:19am | | | Plaintiff Epic attorney Brent Byars calls witness Thomas Ko for DIRECT | P |

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