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- VOLUME 6 -

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

- - -

MOBILEMEDIA IDEAS LLC, : CIVIL ACTION
:
Plaintiff, :
:
vs. :
:
APPLE INC, :
:
Defendant. : NO. 10-258-SLR

- - -

Wilmington, Delaware
Tuesday, September 20, 2016
9:00 o'clock, a.m.

- - -

BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J., and a jury

- - -

APPEARANCES:

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
BY: JEREMY A. TIGAN, ESQ.

-and-

Valerie J. Gunning
Official Court Reporter

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APPEARANCES (Continued) :

PROSKAUER ROSE LLP
BY: STEVEN BAUER, ESQ.,
SAFRAZ W. ISHMAEL, ESQ.
KIMBERLY MOTTLEY, ESQ.,
LAURA STAFFORD, ESQ. and
JAMES ANDERSEN, ESQ.
(Boston, Massachusetts)

Counsel for Plaintiff

MORRIS JAMES LLP
BY: MARY B. MATTERER, ESQ.

-and-

O'MELVENY & MYERS LLP
BY: LUANN SIMMONS, ESQ.
(San Francisco, California)

-and-

WILMER HALE LLP
BY: JOSEPH J. MUELLER, ESQ.
(Boston, Massachusetts)

-and-

WILMER HALE LLP
BY: TARA D. ELLIOTT, ESQ.
(Washington, D.C.)

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 9:00 a.m.)

THE COURT: All right. Let's bring the jury in.

MR. MUELLER: Your Honor, may I make one brief
point?

THE COURT: Yes.

MR. MUELLER: At the end of the instructions, if
I could just say we preserve our positions rather than say
anything more than that? Right now I will refer to the
identical issue and the claim construction issues earlier in
the case.

THE COURT: All right.

MR. MUELLER: Thank you.

(The jury entered the courtroom and took their
seats in the box.)

THE COURT: You all may be seated. And,
Francesca, go ahead and give the jurors their set.

All right, members of the jury, although you
have a set, you'll have them back in the jury room, I am
obligated to read them aloud. It's a painful experience,
but bear with me. At some point if I'm lucky, I kind of go
into a Zen trance, but that means I'm more reading words

1 than really putting much emotion into it. And as I explain,
2 if I read something different than is on the paper, you're
3 to pay attention to the paper unless I specifically say
4 there was a mistake. All right?

5 All right. Here we go.

6 Members of the jury, now it is time for me to
7 instruct about the law that you must follow in deciding this
8 case. I will start by explaining your duties and the
9 general rules that apply in every civil case. I will
10 explain some rules that you must use in evaluating
11 particular testimony and evidence. I will explain the
12 positions of the parties and the law you will apply in this
13 case. Last, I will explain the rules that you must follow
14 during your deliberations in the jury room. Please listen
15 very carefully to everything I say.

16 You will have a written copy of these
17 instructions with you in the jury room for your reference
18 during your deliberations. You will also have a verdict
19 form, which will list the interrogatories, or questions,
20 that you must answer to decide this case.

21 You have two main duties as jurors. The first
22 one is to decide what the facts are from the evidence that
23 you saw and heard here in court. Deciding what the facts
24 are is your job, not mine, and nothing that I have said or
25 done during this trial was meant to influence your decision

1 about the facts in any way.

2 Your second duty is to take the law that I give
3 you, apply it to the facts, and decide which party should
4 prevail on the issues presented. I will instruct you about
5 the burden of proof shortly. It is my job to instruct you
6 about the law, and you are bound by the oath that you took
7 at the beginning of the trial to follow the instructions
8 that I give you, even if you personally disagree with them.
9 This includes the instructions that I gave you before and
10 during the trial, and these instructions. All the
11 instructions are important, and you should consider them
12 together as a whole.

13 Perform these duties fairly. Do not let any
14 bias, sympathy or prejudice that you may feel toward one
15 side or the other influence your decision in any way.

16 You must make your decision based only on the
17 evidence that you saw and heard here in the courtroom. Do
18 not let rumors, suspicions, or anything else that you may
19 have seen or heard outside of Court influence your decision
20 in any way. The evidence in this case includes only what
21 the witnesses said while they were testifying under oath
22 (including deposition testimony that has been played or read
23 to you), the exhibits that I allowed into evidence, and any
24 facts that the parties agreed to by stipulation.

25 Nothing else is evidence. The lawyers'

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