

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

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-919-JLH
)	
GOOGLE LLC,)	
)	
Defendant.)	
)	

PRELIMINARY JURY INSTRUCTIONS

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. OVERVIEW OF THE CASE	2
III. UNITED STATES PATENTS	3
IV. EVIDENCE	4
V. CREDIBILITY OF WITNESSES; WEIGHING CONFLICTING TESTIMONY	6
VI. EXPERT TESTIMONY	7
VII. BURDENS OF PROOF	8
VIII. DEPOSITION TESTIMONY	11
IX. DEMONSTRATIVES	12
X. NOTE-TAKING	13
XI. SIDEBARS	15
XII. CONDUCT OF THE JURY	16
XIII. COURSE OF THE TRIAL	18
XIV. TRIAL SCHEDULE	19

I. INTRODUCTION

Members of the jury: Now that you have been sworn, I have the following preliminary instructions for your guidance as jurors in this case.

These instructions are intended to introduce you to the case and the law that you will apply to the evidence that you will hear. I will give you more detailed instructions on the law at the end of the trial. Also, because this case involves patents, I will additionally give you some preliminary instructions regarding patents to assist you in discharging your duties as jurors.

You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give to you. You and only you will be the judges of the facts. I play no part in judging the facts. My role is to be the judge of the law. I make whatever legal decisions have to be made during the course of the trial, and I will explain to you the legal principles that must guide you in your decisions. You must follow that law whether you agree with it or not. Perform these duties fairly. Do not let any bias, sympathy, or prejudice that you may feel toward one side or the other influence your decision in any way. Nothing I say or do is intended to indicate, or should be taken by you as indicating, what your verdict should be.

At the end of the evidence, I will give you instructions on the law to apply in deciding this case, and I'll give you a list of questions that you are then to answer.

This list of questions is called the verdict form. Your answers to these questions will need to be unanimous, and your answers will constitute the verdict in this case.

II. OVERVIEW OF THE CASE

During the jury-selection process, I advised you that this is a civil action arising under the patent laws of the United States. The parties in this case are the plaintiff, Arendi S.A.R.L., and the defendant, Google LLC. We will often refer to those parties as Arendi and Google for short. The case involves United States Patent No. 7,917,843. We will often refer to this patent as the '843 Patent for short. We may also refer to it as “the Asserted Patent” or the “Patent-in-suit.”

Plaintiff Arendi is the owner of the '843 Patent. Plaintiff alleges that the Defendant infringes Claims 1, 8, 23 and 30 of the '843 Patent. These claims may be referred to as the “Asserted Claims.” Generally, the products that Plaintiff accuses of infringement are, first, certain Google smartphone apps and, second, certain Google smartphones on which those apps are installed. Defendant denies that it has infringed the Asserted Claims and also argues that the Asserted Claims are invalid.

III. UNITED STATES PATENTS

As I just mentioned, this case is about patents. To help you understand what patents are, the role of the Patent Office, and why disputes over patents arise you will now be shown a video. This video was prepared by the Federal Judicial Center, not the parties in this case, to help introduce you to the patent system. During the video, reference will be made to a sample patent. A copy of the sample patent is contained in your juror notebooks for you to follow along. The video will run for approximately 17 minutes. At the conclusion of the video, I will provide you with additional instructions.

[The video will be played.]

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.