

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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

Wednesday, April 26, 2023  
9:00 a.m.  
Jury Trial

Volume III

Sealed

\* \* \*

844 King Street  
Wilmington, Delaware

BEFORE: THE HONORABLE JENNIFER L. HALL  
United States Magistrate Judge

APPEARANCES:

SMITH, KATZENSTEIN & JENKINS LLP  
BY: NEAL C. BELGAM, ESQ.

-and-

1 APPEARANCES CONTINUED:

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BY: JOHN LAHAD, ESQ.  
BY: KEMPER DIEHL, ESQ,  
BY: MAX STRAUS, ESQ.  
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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:** Good morning, everyone. Please be seated.

All right. So we're here for the third day of trial. At the outset, I just wanted to put on the record our current time calculations. For April 24, we charged two hours 22 minutes to Arendi and two hours 28 minutes to Google. For April 25, yesterday, we charged five hours and five minutes to Arendi and two minutes to Google.

I also wanted to hear from everyone how we are proceeding with the source code portion of the testimony today. And we can have a seat for a second. And just as a preview, the reason why I'm asking is I have been giving some thought to making sure that we're making a record that will comply with the Third Circuit's Avandia opinion on the common law right of access and the First Amendment right of access.

And so my understanding of the law as set forth in that opinion is that any side seeking to seal the courtroom or keep the proceedings under seal needs to demonstrate to the Court and the Court needs to make an

1 explicit finding for each portion that's under seal, that  
2 any proposed redaction or closure would, quote, work a  
3 clearly defined and serious injury to the parties seeking  
4 closure. And that's the common law right of access.

5 With respect to the First Amendment right of  
6 access that applies to jury trials, there is a presumption  
7 that the proceedings will be open to the public. The  
8 parties seeking closure may rebut the presumption of  
9 openness only if able to demonstrate, quote, an overriding  
10 interest in excluding the public based on findings that  
11 the closure is essential to preserve higher values and is  
12 narrowly tailored to serve an interest. And the Court  
13 needs to make sure that the proceeding is open unless the  
14 denial of access serves an important Government interest  
15 and that there is no less restrictive way to serve that  
16 Government interest.

17 So based on what I've seen so far here, we've  
18 had no one from the public that is not associated with  
19 this case in some way that's been excluded from the  
20 courtroom. So I don't think we have any issue right now,  
21 and we've also had no one that's made an objection to the  
22 sealing of the courtroom. So I don't think we have an  
23 issue right now. But I'll put on the record that when  
24 we've sealed the courtroom, my understanding is that there  
25 were only a couple of people excluded that were related to

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