

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 FINANCIAL SYSTEMS ) (  
5 TECHNOLOGY, ET AL. ) ( CIVIL DOCKET NO.  
6 ) ( 2:08-CV-371-CE  
7 VS. ) ( MARSHALL, TEXAS  
8 ) (  
9 ) ( OCTOBER 7, 2010  
10 ORACLE ) ( 9:00 A.M.

11 CLAIM CONSTRUCTION HEARING  
12 BEFORE THE HONORABLE JUDGE CHAD EVERINGHAM  
13 UNITED STATES MAGISTRATE JUDGE

14  
15 APPEARANCES:

16  
17 FOR THE PLAINTIFFS: (See Attorney Sign-In Sheet)

18  
19 FOR THE DEFENDANTS: (See Attorney Sign-In Sheet)

20  
21 COURT REPORTER: MS. SHELLY HOLMES, CSR  
22 Deputy Official Court Reporter  
23 2593 Myrtle Road  
24 Diana, Texas 75640  
25 (903) 663-5082

(Proceedings recorded by mechanical stenography,

transcript produced on a CAT system.)

1 I N D E X

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Appearances

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Court Reporter's Certificate

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1 THE LAW CLERK: All rise.

2 THE COURT: Please be seated.

3 I have a Markman hearing set in Financial  
4 Systems Technology against Oracle, 2:08-CV-371.

5 What says the plaintiff?

6 MR. POLLINGER: Your Honor, the plaintiffs  
7 are ready.

8 THE COURT: For the defendant?

9 MR. BUFE: Good Morning, Your Honor. John  
10 Bufe appearing for Defendant Oracle. We're ready. With  
11 me is Neal Chatterjee.

12 MR. CHATTERJEE: Morning, Your Honor.

13 THE COURT: Morning.

14 MR. BUFE: Also, Karen Johnson-McKewan.

15 MS. JOHNSON-MCKEWAN: Morning, Your Honor.

16 THE COURT: Morning.

17 MR. BUFE: And also with us this morning is  
18 Ms. Peggy Bruggman, Your Honor.

19 MS. BRUGGMAN: Morning.

20 MR. BUFE: She's senior corporate counsel  
21 for Oracle, and Oracle is ready, Your Honor.

22 THE COURT: All right. Well, good morning  
23 to all of you.

24 You've got an hour and a half per side to  
25 argue the claim construction positions. You need to use

1 at least half of your time in your opening presentation,  
2 all right?

3 MR. POLLINGER: All right. Thank you, Your  
4 Honor. We'll be dividing the argument between myself,  
5 Scott Cole, and Geoff Smith.

6 THE COURT: Do you want me to give you any  
7 type of time warnings?

8 MR. POLLINGER: They tell me 50 minutes,  
9 so -- so I need a warning on 50 minutes, please.

10 THE COURT: When you've used -- when you've  
11 used 50 minutes?

12 MR. POLLINGER: Yes.

13 THE COURT: I'll let you know.

14 MR. POLLINGER: Yes, please, Your Honor.

15 THE COURT: And, Mr. Bufe, whoever is going  
16 to be speaking on behalf of Oracle, I'll be happy to  
17 give them whatever time warnings they like, as well.  
18 Just let me know at the time they --

19 MR. BUFE: Thank you, Your Honor.

20 THE COURT: -- start their presentations.

21 MR. POLLINGER: If we go to Slide 3, please.

22 Your Honor, the problem we have with  
23 Oracle's constructions is that they seek to read in  
24 several low-level details into the claims.

25 Here is one example. This is the relation

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