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 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
                           Deputy Official Court Reporter
22                         2593 Myrtle Road
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24

25    (Proceedings recorded by mechanical stenography,
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transcript produced on a CAT system.)

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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

4

 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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