```
1
               IN THE UNITED STATES DISTRICT COURT
                FOR THE EASTERN DISTRICT OF TEXAS
 2
                         TYLER DIVISION
 3
   NETWORK-1 SECURITY
                                   Civil Docket No.
    SOLUTIONS, INC.
                                   6:08-CV-30
 4
    VS.
                                   Tyler, Texas
 5
                                   July 14, 2010
   CISCO SYSTEMS, INC., ET AL *
 6
                                   1:00 P.M.
 7
                    TRANSCRIPT OF JURY TRIAL
 8
                        AFTERNOON SESSION
               BEFORE THE HONORABLE LEONARD DAVIS
                  UNITED STATES DISTRICT JUDGE
 9
10
11
   APPEARANCES:
                        FOR THE PLAINTIFF
12
13
  MR. GREGORY DOVEL
   MR. JOHN JEFFREY EICHMANN
   DOVEL & LUNER
    201 Santa Monica Blvd
15 Ste. 600
    Santa Monica, CA 90401
16
   MR. T. JOHN WARD, JR.
   Ward & Smith
17
    P.O. Box 1231
                   75606
18
   Longview, TX
19
    COURT REPORTERS:
20
   MS. SHEA SLOAN, CSR
21 MS. SHELLY HOLMES, CSR
    Official Court Reporters
   211 West Ferguson, Third Floor
    Tyler, TX 75702
23 903/590-1171
24
   (Proceedings recorded by mechanical stenography,
    transcript produced on CAT system.)
```



25

```
1
                      FOR THE DEFENDANTS
 2
   FOR CISCO SYSTEMS, INC.
 3
   AND CISCO LINKSYS, LLC.:
 4
 5
   MR. WILLIAM F. LEE
   WILMERHALE LLP
   60 State St.
   Boston, MA 02109
 8
   MR. MARK D. SELWYN
   MS. NIKI Z. MOORE
  WILMER HALE
    117 S. California Ave.
10 Palo Alto, CA 94304
11
   MR. ERIC FINDLAY
12 FINDLAY CRAFT
   6760 Jacksonville Hwy,
   Ste. 101
    Tyler, TX 75703
14
15 MR. DAVID J. BECK
   MR. JOE W. REDDEN
16 MR. MICHAEL RICHARDSON
   BECK REDDEN & SECREST
17 1221 McKinney, Ste. 4500
    Houston, TX 77010
18
19 MR. OTIS CARROLL
    IRELAND CARROLL & KELLEY
   6101 S. Broadway, Ste. 500
    Tyler, TX 75703
21
22
23
24
25
```



```
1 FOR ADTRAN, INC.:
  MR. DAVID D. BAHLER
   MR. GILBERT A. GREENE
   FULBRIGHT & JAWORSKI
    600 Congress Ave., Ste. 4200
   Austin, TX 78701
 5
 6
 7
   FOR ENTERASYS NETWORK,
    INC.:
 8
   MR. WILLIAM J. CORNELIUS, JR.
   WILSON ROBERTSON & CORNELIUS
    909 ESE Loop 323, Ste. 400
10 Tyler, TX 75701
11
   MR. RICHARD C. VASQUEZ
12 MR. ERIC W. BENISEK
   MR. CRAIG E. DAVIS
13 VASQUEZ BENISEK & LINDGREN
    3685 Mt. Diablo Blvd.,
   Ste. 300
    Lafayette, CA 94549
15
16
17
18
   FOR EXTREME NETWORKS,
    INC.:
19
   MR. KENNETH R. ADAMO
20
   JONES DAY
    2727 N. Harwood St.
21 Dallas, TX 75201-1515
22
   MR. BEHROOZ SHARIATI
23
   JONES DAY
    1775 Embarcadero Rd.
24 Palo Alto, CA 94303
```



25

```
1 FOR FOUNDRY NETWORKS:
   MR. HENRY C. BUNSOW
3 MR. K.T. "SUNNY" CHERIAN
   MR. JOHN D. HAMANN
   HOWREY LLP
   525 Market St., Ste. 3600
   San Francisco, CA 94105
5
6
7
8
   FOR 3COM CORPORATION:
9
   MR. JEFFREY E. OSTROW
10
   SIMPSON THACHER & BARTLETT
   2550 Hanover St.
11 Palo Alto, CA 94304
12
   MR. KERRY L. KONRAD
13 MR. GREGORY T. CHUEBON
   SIMPSON THACHER & BARTLETT
   425 Lexington Ave.
   New York, NY 10017
15
16
17
18
19
                       PROCEEDINGS
20
21
                   (Jury in.)
                  THE COURT: Please be seated.
22
23
                  All right. Mr. Lee, you may proceed.
24
                  MR. LEE: Your Honor, first, I have
```

Defendants' Exhibit List 1, which is a list of exhibits

25

- admitted on July 13th, 2010 by the Defendants. If I can 2 approach. 3 THE COURT: All right. You offer that. Any objection? 4 5 MR. EICHMANN: No, Your Honor. 6 THE COURT: Be admitted. 7 MR. LEE: Your Honor, at this time, we 8 would offer without objection -- I understand -- DTX121, 9 132, 133, 134, 135, 136, 138, 141, 142, 143, 144, 262, 318, 487, 490, 491, 492, 493, 494, 495, 496, 499, 500, 10 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 11 513, 514, 515, 516, 517, 518, 519, 520, 695, 696, 697, 12 13 698, 1396, 1397, 1399, 1402, 1404, 1405. THE COURT: All right. Any objection? 14 15 MR. EICHMANN: No. 16 THE COURT: Be admitted. 17 MR. LEE: And, Your Honor, at this time, we would call Karl Nakamura. And Ms. Fletcher will do 18 19 his direct examination. 20 THE COURT: All right. Mr. Nakamura.
- 23 first day.

21

22

- 24 THE COURT: All right. Very well.
- 25 KARL NAKAMURA, DEFENDANTS' WITNESS, PREVIOUSLY SWORN

Has Mr. Nakamura been sworn, Mr. Lee?

MR. LEE: Yes, he has, Your Honor, the

# DOCKET

# 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.

