1	FOR THE NORTHERN DISTRICT OF TEXAS	
3		3:11-CV-367-0
4	4 v.	Jury Trial Volume 1
5	RESEARCH IN MOTION CORP.,) Defendants.)	April 1, 2013
6	BEFORE THE HONORABLE REED C. O'CONNOR United States District Judge	
7	In Dallas,	lexas
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10	The above styled and numbered cause was reported by computerized stenography and produced by computer.	
11	compared free scenography and produced by compared.	
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held by its predecessor companies privileged. See Love v. 1 2 Tyson Foods, Inc. 677 F3d. 258 at 261 out of the Fifth Circuit, 2012. A Court can prevent a party from asserting 3 inconsistent positions under the doctrine of judicial 4 5 estoppel. In addition, Defendant's Exhibit No. 2029 would also 6 7 be admissible as non-hearsay because defendants should be 8 permitted to offer it to show Plaintiff's notice of the potential prior use of the invention claimed in the Point2 9 '802 Patent and how that notice affected Plaintiff's 10 subsequent conduct regarding the acquisition of the Point2 11 '802 Patent. See United States v. Bright, 630 F.2d. 804, page 12 13 815, footnote 18, in the Fifth Circuit, 1980. Plaintiff's subsequent conduct of not purchasing the Point2 patent is 14 relevant because it tends to show that plaintiff had concerns 15 that the '802 Patent was invalid based on Point2's actions 16 17 regarding the photo upload facility. This information is 18 relevant to Samsung's defense that the activity at Point2 also renders the '482 Patent invalid. 19 20 So, I needed to clear that up after worrying about it all weekend since I got the e-mails wrong. 21 Who is the first witness? 22 MR. STEVENSON: Scott Lewis. 23 THE COURT: Scott Lewis. 24



25

(Jury in.)

THE COURT: Okay, ladies and gentlemen. Thank you 1 2 all for being here and being here on time. I'm sorry for the ten minute delay but we get here early -- earlier than you all 3 and try to resolve issues to get you into the box so we don't 4 have to get you in the box and then excuse you when those 5 issues come up. We try to resolve them in the morning and in 6 the evenings and we were doing that today and it ran just a 7 little bit long, so please accept my apologies. With that 8 9 said we're going to keep moving through the case and I'll turn the floor over to Mr. Stevenson. 10 MR. STEVENSON: Thank you, Your Honor. 11 calls as its next witness the inventor Scott Lewis. 12 THE COURT: Mr. Lewis, please come up. 13 MR. NELSON: Your Honor, can we move this slightly? 14 15 THE COURT: Yes, sir. Come on up. Mr. Lewis, were you sworn in the other day? 16 THE WITNESS: Yes, I was. 17 18 THE COURT: Go ahead and have a seat here. into that microphone good and loud so everyone can hear what 19 20 you have to say. THE WITNESS: Okay. 21 Thank you. 22 SCOTT LEWIS, PLAINTIFF WITNESS, was sworn 23 DIRECT EXAMINATION BY MR. STEVENSON: 24



25

Good morning, Mr. Lewis.

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