

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

3 MOBILE TELECOMMUNICATIONS * Civil Docket No.
TECHNOLOGIES, LLC * 2:13-CV-258
4 *
5 VS. * Marshall, Texas
*
6 APPLE, INC. * November 17, 2014
* 1:45 P.M.

7 TRANSCRIPT OF JURY TRIAL
8 BEFORE THE HONORABLE ROY PAYNE
9 UNITED STATES MAGISTRATE JUDGE

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P R O C E E D I N G S

LAW CLERK: All rise.

(Jury in.)

THE COURT: Thank you. Please be seated.

Ladies and gentlemen, I'd ask you if you'd turn
 your attention now to the lawyers. I think counsel for
 Plaintiff is prepared to begin.

Mr. Dacus.

1 MR. DACUS: We are, Your Honor. Thank you.

2 THE COURT: All right.

3 MR. DACUS: May it please the Court, Your Honor.
4 Good afternoon. I want to start this afternoon exactly
5 where I started with you when you came in for jury service,
6 and that is to say a very sincere thanks to you on behalf of
7 myself, on behalf of MTel, on behalf of Mr. Fitton.

8 And what you now know that you didn't know at the
9 time of jury service is that a juror who serves in a patent
10 case is owed a little bit of an extra thanks, because this
11 is pretty thick stuff. This is pretty dense information,
12 and there's a lot of information.

13 My goal over the next 40 minutes -- and sometimes
14 I accomplish this goal and sometimes I don't -- is to try to
15 help you organize the evidence that you've seen. It's not
16 my position -- as I told you from the beginning, it's not my
17 position to tell you what the evidence is. You heard the
18 evidence from the witness stand. But you've seen and heard
19 a lot of evidence, so my goal is to help you or try to help
20 you organize some of that evidence that you've seen.

21 And one reason I think we can at least potentially
22 accomplish that goal is when you boil all this information
23 down that you've heard and you boil all these patents down,
24 almost all of these issues and all -- related to
25 infringement, boiled down to one or two words in the claims.

1 And so I want to remind you of what those issues
2 are so that you can crystallize in your mind exactly where
3 the parties dispute the things.

4 A lot -- a lot -- a lot of these elements are
5 admitted by Apple, and we don't need to spend a lot of time
6 on them. But where the disputes lie, I want to help remind
7 you of the evidence that you've seen related to those.

8 Now, I also want to take time this afternoon --
9 I'm trying to go forward here, Mr. Gros (phonetic spelling).

10 There we go -- is to remind you of how we get here
11 today, November 17th of 2014. And this is the chronology
12 that I showed you at the very beginning of the lawsuit in
13 opening statements. I don't want to go back through it, but
14 there's a couple things that I want to remind you of, and
15 they're the things written down in the green.

16 These are things I said in opening, because I
17 thought they might be important, but as I went through the
18 case, I realized that they're probably more important than I
19 ever anticipated.

20 You know in the early '90s up through the middle
21 '90s that, of course, MTel was developing two-way messaging,
22 a two-way data transmission system. And you know now that
23 you've heard from Mr. Hays and you've heard from Mr. Pinter,
24 two inventors who were there at the time, that they were
25 creating inventions not only for problems that were

1 currently being experienced on that paging network, but they
2 foresaw problems that if two-way wireless data transmission
3 really became popular, problems that would occur in the
4 future. And they were trying to solve those problems that
5 would occur in the future.

6 And I will tell you that these six patents that
7 are at issue here were problems that they told you that they
8 foresaw might actually happen if two-way data transmission
9 wirelessly became a very popular thing. And as we all know,
10 it did.

11 The thing you also know -- and remember I warned
12 you at the beginning that if you hear Apple say, hey, these
13 are old or these are aging technologies, I wanted you to
14 really get your antenna or your radar up, because they're
15 trying to leave you with the impression that these claims
16 and these inventions relate solely to paging.

17 But you know from what Mr. Hays said and what
18 Mr. Pinter told you that they're much broader than just
19 paging. They relate to any network on which someone is
20 transmitting data wirelessly in a two-way fashion.

21 Now, I put these up here, because, you know,
22 basically you've seen these devices. These are the -- the
23 pagers that were in 1996, 1997, and, of course, the 2010
24 is -- is the -- is the Apple iPhone.

25 And you note the similarities between the devices.

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