

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

4 PACKET INTELLIGENCE LLC)(CIVIL DOCKET NO.
5)()(
6 VS.)(2:16-CV-230-JRG
7)()(
8 NETSCOUT SYSTEMS, INC.)(MARSHALL, TEXAS
9 TEKTRONIX COMMUNICATIONS,)()(
10 AND TEKTRONIX TEXAS LLC)(OCTOBER 10, 2017
11 8:36 A.M.

12 TRANSCRIPT OF JURY TRIAL

13 BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

14 UNITED STATES DISTRICT JUDGE

15 APPEARANCES:

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Official Court Reporter
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Marshall Division
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(Proceedings recorded by mechanical stenography,
transcript produced on CAT system.)

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P R O C E E D I N G S

(Jury out.)

COURT SECURITY OFFICER: All rise.

THE COURT: Be seated, please.

Good morning, Counsel.

I understand, Mr. Skiermont, you'll be
doing opening statements for Plaintiff; is that correct?

MR. SKIERMONT: Yes, Your Honor.

THE COURT: Would you like a warning on
your time?

MR. SKIERMONT: Five minutes, please.

THE COURT: Okay. And how about opening
statements for Defendant?

MR. KRAEUTLER: Eric Kraeutler for the
Defendants, Your Honor. And I will not need a warning.

THE COURT: All right. And do I
understand, Ms. Abdullah, that you are expecting a baby;
is that correct?

MS. ABDULLAH: Yes, Your Honor.

THE COURT: All right. Because of that
condition, should you need to excuse yourself for any
reason during the course of the trial, you may simply
walk behind counsel tables and go in and out that side
door as you might need to.

MS. ABDULLAH: Thank you. I appreciate

1 it. I will do my best not to disrupt the proceedings.

2 THE COURT: That -- that latitude applies
3 to you only. Unless there's somebody else in a similar
4 condition that I'm not aware of. Okay.

5 MS. ABDULLAH: Thank you.

6 THE COURT: All right. Counsel, unless
7 either side has something else we need to take up before
8 I bring in the jury, we'll bring the jury in and begin
9 with opening statements.

10 All right. Then bring in the jury,
11 please.

12 COURT SECURITY OFFICER: All rise for the
13 jury.

14 (Jury in.)

15 THE COURT: Good morning, ladies and
16 gentlemen. Welcome back. Please have a seat.

17 Members of the jury, you'll recall that
18 last week we selected and seated you as the jury in this
19 case, and I gave you my preliminary instructions. We
20 are now prepared and at the proper place to begin with
21 opening statements from both Plaintiff and then
22 Defendant.

23 I remind you of all the instructions I
24 gave you earlier. That will apply throughout the trial
25 until such time as I discharge you from your position as

1 jurors.

2 With that, we'll now hear opening
3 statements beginning with the Plaintiff.

4 MR. SKIERMONT: Thank you, Your Honor.

5 THE COURT: You may proceed,
6 Mr. Skiermont.

7 MR. SKIERMONT: Thank you, Your Honor.
8 May it please the Court.

9 Good morning, ladies and gentlemen.

10 My name is Paul Skiermont, and it's my
11 great honor to represent Packet Intelligence and present
12 our opening statement to the members of the jury and
13 this honorable Court.

14 This is an important case. It's
15 important to the owner of the patents, Packet
16 Intelligence, whose owners took a risk to leave their
17 businesses and start a new one investing substantial
18 resources, time and money, to build their licensing
19 business.

20 And it is important to the inventors of
21 the patents, including the first listed inventor, Mr.
22 Dietz, who you will hear from today is the first
23 witness, and he's in the courtroom.

24 Mr. Dietz, if you'll stand up.

25 (Witness complies.)

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